WELSH LAND COMMISSION

A Digest of its Report

By

D. LLEUFER THOMAS

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THE WELSH LAND COMMISSION:

A DIGEST OF ITS REPORT.

BY

D. LLEUFER THOMAS,

Barrister-at-Law, sometime Assistant Commissioner to the Royal Commission on Labour,

and

Secretary to the Welsh Land Commission.

Price Four Shillings.

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PREFACE.

The Report of the Welsh Land Commission, which was published on the last day of October, extends to nearly 1,000 pages folio, weighs 5lbs. 10oz., and is sold at 10/6 net, or, including postage, 11/6. These were the considerations which induced me to undertake the preparation of a more handy and less expensive volume, which should give the gist of the official Report in a much smaller compass.

To accomplish this it was necessary to condense certain portions very considerably, and I have thus treated those parts which are mainly historical and do not bear directly on the more practical issues of the present day. I have, moreover, wholly omitted the Commissioners' detailed description of Welsh Agriculture (which in the official Report extends to more than 150 pages), except where I have quoted (in Chap. xi., section 2) a number of suggestions which are made for improvements in the method of farming.

I have thus obtained more space for treating of the relation of landlord and tenant—recognizing that this is the subject in which public interest is chiefly centred, and that it was mainly, perhaps exclusively, for its consideration that the Commission was primarily appointed. To this subject, therefore, is devoted by far the larger part of this Digest.

So much for the scope of the work. As to its method—so far as possible I have throughout reproduced the actual words of the Report, so that the Commissioners are able to speak directly for themselves.

In dealing with those portions of the Report which are adopted by all the Commissioners, and in which they review the evidence and present a statement of the facts generally, my aim has been to bring the more important points into greater saliency, introducing

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only such brief observations of my own as seemed absolutely necessary for explanation and continuity of narrative. Where the Commissioners, however, divide—some in favour, others against a Land Court—I have stepped entirely aside, so that the full text of

(a) That portion of the Majority Report, where a Land Court is recommended, and

(b) The whole of the Separate Report of the Minority

have been reproduced (in Chapters xii. and xiii. respectively), without any comment or observation of my own. In no other way could I have satisfied myself that no injustice was being unintentionally done to the arguments of either group of Commissioners, or give perfect assurance to the reader that the opinions expressed were none of my own, but in every detail those of the Commissioners themselves.

For purposes of verification and further reference, if necessary, I have given the number of the page in the official Report from which each quotation is made; and as an exhaustive index to the contents of the Digest is also added, reference can be thereby easily made to any subject dealt with, whether in the Digest or in the Report itself. For still further facility of reference—so that "he who runs may read"—I have also placed in the margin notes indicating briefly the subject matter dealt with in the text opposite, so that the busy man may find the whole thread of the argument disclosed in the margin, as he hurriedly turns page after page.

It is scarcely necessary to add, save, perhaps, to prevent possible misapprehension, that neither collectively nor individually are the Commissioners in any way responsible for this book, which is, moreover, in no sense an official publication.

D. LLEUFER THOMAS.

2, Brick Court,
Temple,
12th November, 1896.

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CHAPTER I.

THE TRIBUNAL.

1.—ITS CONSTITUTION.

AFTER a duration of exactly three years and five months the labours of the Welsh Land Commission have come to a close. The Royal Warrant appointing the Commission bore the date of the 27th March, 1893. Their first sitting, which was a private one, was held on the 14th day of April following; the first sitting for the reception of evidence was held on May 23rd of the same year, while the last sitting for the same purpose took place on December 5th, 1895. The Report is dated 26th August, 1896, which was also the date of the last sitting.

When and by whom appointed?

In July, 1892, it will be remembered, there had been a General Election, which resulted in placing the Liberal party in office. A brief Session of Parliament was held in the following autumn. After re-assembling on the last day of January, 1893, it would appear that one of the first acts* of the new Liberal Administration was to decide on instituting an inquiry as to Welsh Land Tenure, and to consider what form such inquiry should take. The importance attached by the new Government to the question may be judged from the fact that they decided upon a Royal Commission, which was to consist of as many as nine members—only one other Commission, that of the "Aged Poor" having been previously appointed since the Liberals had returned to office. The Prime Minister at the time was the veteran statesman, Mr. Gladstone, who, however, about a twelvemonth later, retired from active political life, and was succeeded by the Earl of Rosebery.

Previous to the appointment of the Commission, Mr. Gladstone had himself taken a part in the public discussion of the Welsh Land Question, and, as will be explained later, his intervention, especially in his historic Snowdon speech, had been instrumental in bringing the subject within the range of the more immediately practical politics of the day.

* It is not without interest to observe that the Welsh Church Suspensory Bill, which was subsequently "dropped," was also introduced and read a first time on February 23rd, 1893.

In addition to his position as a statesman, he had the further advantages of being both a lifelong resident and a landowner in Wales. Moreover, one of his most intimate friends was Mr. Stuart (now Lord) Rendel, who, owing to domestic ties and his political position as M.P. for Montgomeryshire (a purely agricultural county), and leader of the Welsh party, was, there can be no doubt, freely consulted in the matter. The Cabinet Minister who was, however, credited with having been primarily charged with the selection of the members of the Commission was Mr. A. H. D. Acland, who possessed a considerable acquaintance with Wales, gained during several years' residence at Clynnog in Carnarvonshire, where, for a time, he served on the Council of that County, and interested himself in the promotion of intermediate and higher education in Wales. He also, undoubtedly, received counsel and assistance from his friend Mr. Thomas Ellis, M.P. for Merioneth, who was then a junior Lord of the Treasury, but in March, 1894, became Chief Whip of the Liberal party, on his appointment as Patronage Secretary to the Treasury. It was therefore on the shoulders of these men that the responsibility of constituting the Commission rested; and it must be admitted that they had every possible advantage for making a good selection. It may be said that, when first announced, the names of the Commissioners were received with a fairly general approval. Each member of the Commission was from the outset connected in one form or other with the Principality by ties either of birth or family relationship, of residence, ownership or of strong historical sympathy. Before they separated at the end of their work these ties had in nearly every instance been strengthened and increased, otherwise than by a more thorough acquaintance with the country they had investigated. The following were the nine Commissioners appointed. We give them in the order of precedence observed in the Royal Warrant:—

Of whom constituted.

Earl Carrington, G.C.M.G., (*Chairman*),
Lord Kenyon,
Sir J. T. D. Llewelyn, Bart., M.P.
Mr. D. Brynmor Jones, Q.C., M.P.,
Prof. John Rhys, LL.D.,
Mr. J. M. Griffiths,
Mr. Edwin Grove,
Mr. Richard Jones,
AND
Mr. Frederic Seebohm. LL.D., F.S.A.

The question which may perhaps suggest itself to some minds is:—What were the special individual qualifications on account of which these gentlemen were severally asked to take part in an enquiry as to Welsh Land? Had they any

special acquaintance with Wales or with its history, with farming, or with land tenure, or did the inquiry involve questions as to which they had no definite expert knowledge so that they were deemed to be men who could bring an absolutely open mind to their consideration. In short, now that the Commissioners have given their verdict, many will ask:—Were they competent judges? Had any of them prejudged the case, or were they possessed of "open" minds? Instead of presuming to give an answer of our own, we will let the main facts of the life of each Commissioner speak for themselves, for which purpose a few biographical notes may be both useful and interesting in this connection.

English Landowner and Ex-Governor of N.S. Wales.

1. Earl Carrington, G.C.M.G, who was born 16th May, 1843, is descended on the side of his mother (who was the daughter and co-heiress of the 22nd Baron Willoughby D'Eresby), from the Wynns of Gwydyr, in North Wales, a house to which, according to the high authority of Burke, "must be conceded the first rank in Cambrian genealogy." He was educated at Eton and Cambridge, then entered the Army, sat as Liberal M.P. for Wycombe from 1865 to 1868, when he succeeded to the peerage. He was Governor of New South Wales 1885-90, and the popularity alike of himself and of Lady Carrington has probably never been surpassed in the case of any Colonial Governorship. He filled with conspicuous success the office of Lord Chamberlain during the Liberal Administration 1892-5, and in the latter year was raised to an Earldom. In 1884-5, he served on the Housing of the Working Classes Commission, and since March, 1892, has been a most active member of the London County Council. He owns considerable estates both in Bucks and Lincolnshire, and may be regarded as one of the chief pioneers in the sub-division of large farms into small holdings and in the creation of allotments on his estates. He had also inherited two Welsh estates, one in Montgomeryshire and the other at Llanfair Clydogau, in Cardiganshire, but owing to their remoteness and his objection to being an absentee landlord, they were sold in 1868, the Llanfair estate being purchased by its present owner, Mr. W. Jones, of Glandenys. In the autumn of 1895 Lord Carrington purchased from the Duke of Ancaster the old ancestral seat of his mother's family, Gwydyr, near Llanrwst, and at Easter, 1896, he took up his residence there.

While Governor of N. S. Wales (where two-thirds of the land belong to the State) Lord Carrington had opportunities of studying the effects of State ownership, and the lessons which he then learnt were on more than one occasion brought into service during the Welsh inquiry, especially when examining witnesses who advocated Land Nationalisation, such as Dr. Rhys Jones, of Cardiff, and Dr. Pan Jones.

It may confidently be said that no better Chairman could possibly have been selected for the peculiarly difficult work entrusted to the Commission, and the dignity and urbanity with which Lord Carrington conducted the business will long be remembered in Wales. To use a hackneyed expression, the *suaviter in modo* and the *fortiter in re* were combined in him in an almost unexampled degree.

The Commissioners' sense of the invaluable nature of his services may be inferred from the fact that at their final meeting the following resolution, proposed by Lord Kenyon,

and seconded by Mr. J. M. Griffiths, was unanimously adopted :—"That the Members of this Commission desire to place on record their high appreciation of the great ability, the absolute impartiality, and the unwearied patience with which the Chairman has conducted the proceedings of the Commission."

Welsh Landowner (North Wales).

2. Lord Kenyon is the fourth Baron of the name, being grandson of the last peer and fourth in descent from the first Lord Kenyon, Lord Chief Justice of England. The Hon. G. T. Kenyon, who was Conservative M.P. for the Denbigh Boroughs from 1885 to 1895, is his uncle, while his mother is the Hon. Mrs. Bulkeley-Owen, only daughter of the first Lord Harlech, who was better known perhaps as Mr. J. R. Ormsby-Gore, of Brogyntyn, near Oswestry, and who was descended on his mother's side from some of the most notable families of North Wales—the Wynnes of Glyn, Merioneth, and the Owens and Maurices of Clenenney, in Carnarvonshire.

Born in London on July 5th, 1864, Lord Kenyon was the youngest member of the Commission. He succeeded to the peerage in 1869, was educated at Christ Church, Oxford, where he was also President of the Bullingdon Club. He is a Captain in the Shropshire Yeomanry Cavalry, a member of the Flintshire County Council, and of the Agricultural Education Committee of the University College of North Wales, is a life member (elected in 1889) of the Royal Agricultural Society of England, a patron of the Cambrian Archæological Association, a vice-president of the Honourable Society of Cymmrodorion, and has recently become president of the movement for establishing a national memorial to Llewelyn, the last native Prince of independent Wales. He lives at Gredington, in English Maelor, which is the detached portion of Flintshire, and owns a Welsh estate, wholly situated in that district, of 8,000 acres, cultivating besides a considerable home farm of his own.

Lord Kenyon is a member of the Carlton Club, is a keen sportsman, and is much attached to the study of natural history.

Welsh Landowner (South Wales) and Conservative M.P.

3. Sir John Talbot Dillwyn Llewelyn, Baronet, born in 1836 at Penllergaer, near Swansea, created baronet 1890, is the eldest son of John Dillwyn-Llewelyn, who was himself the eldest son of Lewis Weston Dillwyn, the maker of the famous Swansea china, and "the father of British botanists and naturalists." L. W. Dillwyn's second son was the late L. Ll. Dillwyn, well known as the Radical and Liberationist M.P. for Swansea (1855-1892), a constituency represented since the last general election (July, 1895) by his nephew, Sir John Llewelyn, the subject of this notice, who then, as a Conservative, entered Parliament for the first time. Sir John has had a long and varied experience of local administration, having been Chairman of the Swansea Board of Guardians for nearly 30 years, High Sheriff for Glamorganshire 1878, some time Chairman of Quarter Sessions, and is now County Alderman ; he was one of the original members of the Council of the University College of South Wales and Monmouthshire, is one of the Trustees of Llandovery School, was Mayor of Swansea 1890-91, and since 1892 has been director of the Great Western Railway Company. He owns estates which, according to the Domesday Book of 1875, measured some 9,600 acres, in the counties of Glamorgan, Carmarthen, and Brecknock, for which counties he is also a magistrate.

Lady Llewelyn is a sister of Sir Michael Hicks-Beach (the present Chancellor of the Exchequer), who was a friend and contemporary of Sir John at Eton and Christchurch, and who was his companion on a trip to the East.

In his younger days he was an enthusiastic cricketer; he has inherited much of his illustrious ancestor's taste for natural history, and is a Fellow of the Linnean Society, and an ex-President of the Cambrian

Archæological Association. He has always been a liberal contributor towards Church of England and philanthropic objects, especially in Glamorganshire; is a member of the House of Laymen, of the Central Council of Diocesan Conferences, and of the Central Committee formed in 1895 for purposes of Church defence.

Liberal M.P. and Ex-County Court Judge.

4. Mr. DAVID BRYNMOR JONES, Q.C., M.P., who was born 12th May, 1852, at Pentrepoeth near Swansea, is the eldest son of the late Rev. Thomas Jones (1819—1882) who from being in his younger days a weaver's apprentice and subsequently a collier, became in after life probably the most eloquent preacher—both in Welsh and English—that Wales has produced in the course of the 19th century. He was popularly known as "the Welsh poet preacher" and was sometime chairman of the Congregational Union of England and Wales. His son received part of his education at the University College, London (where he was Hume Scholar) and in 1874 took the Ll.B. degree of the London University. He practised as a barrister on the South Wales circuit, until he was appointed (in June, 1885) County Court Judge for Mid-Wales, whence he subsequently removed to the Gloucestershire circuit, but resigning in 1892 he was then elected Liberal M.P. for the Stroud Division. He then resumed practice at the Bar, was in 1893 made Q.C., was one of the draughtsmen of the Charter of the University of Wales for which body he was later appointed Senior Standing Counsel, being also a member of its Executive, while his brother, Mr. J. Viriamu Jones is Principal of the University College of South Wales, and at present Vice-Chancellor of the Welsh University. In July, 1895, he did not seek re-election for Stroud, but became M.P. for the Swansea District. Apart from writing a few papers on the Welsh laws and kindred subjects, his chief literary effort has hitherto been the editing in 1884 of a volume of sermons by his father, entitled "The Divine Order," for which Robert Browning wrote an introduction.

As a politician, Mr. BRYNMOR JONES may be described as a philosophic Radical, and a Nationalist with strong Imperialist tendencies. He was the only member of the Commission who had practised as a Barrister, but he had the experience of the judge as well as of the advocate, and may therefore be presumed capable, not only of eliciting but also of weighing evidence. While on the Bench, he had probably seen more of the working of the Agricultural Holdings Act than any other member, and for a Commission that ended by recommending that the County Court should be utilised as a Land Court, his knowledge must necessarily have been specially valuable.

Professor of Celtic.

5. Professor JOHN RHYS was born June 21st, 1840, at Abercaero, near Ponterwyd, North Cardiganshire, served a pupil teacher's apprenticeship at Penllwyn British School, near Aberystwyth (1855-1859), was trained at Bangor Normal College to be a public elementary schoolmaster in 1860, and had charge of a school in Anglesey till Michaelmas, 1865, when he entered Jesus College, Oxford. After a three years' course he was elected, towards the end of 1869, a Fellow of Merton College, and during the next eighteen months attended lectures at various Continental Universities. He served as H.M. Inspector of Schools for the counties of Flint and Denbigh from May, 1871, until he was appointed, in February, 1887, Professor of Celtic at Oxford. He had publishod his first great work, "Lectures on Welsh Philology," a few weeks earlier, and has ever since been a prolific writer on all questions connected with Celtic philology and ethnology. His best known works in addition to the "Lectures" are his "Celtic Britain" (S.P.C.K., 1882), "Celtic Heathendom" and "The Arthurian Legend." He is also joint editor of the "Oxford Series of Welsh Texts." From 1881 to 1895 he was Fellow and Bursar of Jesus College, and in the latter capacity was responsible for the management of its landed property. He had been associated, in one way or other, with three Government inquiries connected with Wales prior to the appointment of the Welsh Land Commission: he was a member

of the late Lord Aberdare's Departmental Committee, appointed in August, 1880, to inquire into the condition of Intermediate and Higher Education in Wales; was Secretary-Interpreter to the inquiry conducted in 1887 by Sir John Bridge into the Welsh Tithe Rent-Charge disturbances, and Secretary to the Sunday Closing Commission in 1889-90. The degree of LL.D. was conferred on him by the Edinburgh University on the 13th April, 1893, and that night he travelled up to London so as to attend the first meeting of the Land Commission on the following day. In March, 1895, he was appointed Principal of Jesus College, Oxford, and is moreover a member of several learned societies, a Member of the Court of the University of Wales, and of more than one of the Welsh University Colleges. Perhaps he was the only "pure-bred" Welshmen on the whole of the Commission, though according to the ethnological views put forward by the Commissioners, the probability is that he is not, however, a Celt or even an Aryan.

Tenant Farmer (South Wales) and Breeder of Welsh Black Cattle.

6. Mr. JOHN MORGAN GRIFFITHS, of Penally Court, near Tenby, was born September 5th, 1834, at Castellgarw, Llanglydwen, Carmarthenshire, and is descended from a family than which there is none more honoured in the annals of Welsh Nonconformity. His mother was the daughter of John Morgan, of The Forge, Whitland, and aunt to Professor Morgan, of the Presbyterian College, Carmarthen (father of Mr. J. Lloyd Morgan, M.P. for West Carmarthen). On the maternal side, Morgan, of The Forge, was descended from a Scotch family named Rixon whence the fine physique and the business ability of several of his descendants should be probably traced. Mr. Griffiths received part of his education at Merryvale, under the father of the late B. T. Williams, Q.C., County Court Judge, and on marrying in 1887 (his wife being sister of the late Rev. J. Melbourne Davies, Vicar of Tregare, Monmouthshire) he became tenant of his present holding, Penally Court, a farm of over 300 acres on the Picton Castle Estate. Attached to this farm are extensive limestone quarries and kilns which Mr. Griffiths has also carried on, and, in former years, besides exporting lime to the Devonshire and other ports, he supplied enormous quantities to the farmers of South Cardiganshire, North Pembrokeshire and West Carmarthenshire, and thus became intimately acquainted with their habits of life and mode of farming. As a farmer, Mr. Griffiths has practically devoted the whole of his life to the improvement of the Castlemartin breed of Black Cattle, his herd of that breed being second to none in South Wales, as is amply proved by the great demand for his pedigree bulls and the prices which they fetch. He has been one of the greatest contributors to the Black Cattle Herd Book since it was first started in 1874, has been a very successful exhibitor, not only at Welsh shows but also at those of the Bath and West of England and the "Royal," for the latter of which, as well as for the Smithfield Shows, he has acted as judge on several occasions. His papers read before local Farmers Clubs, notably those on the "Breeding and Rearing of Cattle," and on the "Production and Utilisation of Food for Cattle," were highly appreciated. Mr. Griffiths has had a long experience as poor law guardian, but he has hitherto declined to permit himself to be nominated for the magistracy or aldermancy of his county, but owing to the great interest he takes in dairying he was elected as an "outside" member of the Technical Education Committee of the Pembrokeshire County Council. Not only he, but his family also, has done veritable mission work in the improvement of butter-making. In 1891, after obtaining an Advanced Teacher's Certificate at the Western Dairy Institute, his youngest daughter (Miss May Griffiths) became instructress to the Travelling Dairy School of the Worcestershire County Council, and since then either she or her elder sister has done similar work, with most successful results, under the Councils of some half-a-dozen counties in Southern Scotland—the lectures of Miss May Griffiths having been published in the form of a well-received "Primer of the Science and Art of Dairying."

Mr. Griffiths is Chairman of the South Pembrokeshire Congregational Association, and President of the South Wales Congregational Union. Though not an active politician, his sympathies are on the Liberal side.

Chairman of Monmouthshire County Council.

7. Mr. Edwin Grove, who was the Senior Member of the Commission, was born at Bilston, in South Staffordshire, 19th July, 1832, and became an accountant at some Iron Works near West Bromwich, but came to Wales in November, 1852, when the Pontypool Works were acquired by Staffordshire capitalists. When, in 1864, the Ebbw Vale Company was formed, with a nominal capital of four millions, Mr. Grove was appointed Secretary, and this necessitated his removal to London, but in 1873 he returned to Wales, settling at Newport, where he has since resided; he continued to serve his old company, wholly, until 1884, and, as to part of his time, until 1891, when he finally retired. Mr. Grove has closely identified himself with the interests and the public life of his adopted county and country, a fact which was cordially recognised by his unanimous election as first chairman of the Monmouthshire County Council, a post to which he has since been annually re-elected. He is a J.P. both for the county of Monmouth and the borough of Newport, and also chairman of the Asylum and the Standing Joint Committees, as well as of the County Governing Body, which administers the Intermediate Education Act. He also represented his county at conferences held to promote the formation of the University of Wales, of which, after the death of Lord Aberdare, Mr. Grove was appointed Treasurer. He has also rendered yeoman's service as Secretary to the Fund of over £60,000, raised through the Mansion House and other agencies for the relief of the relatives of those killed at the Abercarne Explosion in September, 1878, and it may safely be said that this has proved one of the best managed relief funds in the country.

Mr. Grove took an active part in the agitation carried on about 1884-5 by the freighters against the Railway Companies as to the question of Railway Rates, and in conjunction with Mr. Thomas Colborne, he made, in January 1885, a special report on the subject to the Newport Chamber of Commerce, by whom it was published in book form. He has subsequently given evidence before several Parliamentary Committees on Railway Rates, and during the inquiry with which we are now dealing, he never lost an opportunity of eliciting information on this and kindred questions. Mr. Grove thus brought to bear on the work of the Commission a large experience of commercial life and of local administration. His presence on the Commission was a guarantee that the interests of the urban consumer would not be sacrificed to those of the agricultural producer, and it moreover emphasised the fact that the "thirteenth county" is an integral part of Wales.

Tenant Farmer (North Wales).

8. Mr. Richard Jones was born 16th December, 1855, at Cilhaul, Trefeglwys, in Montgomeryshire, his father being descended from a Merioneth family of woollen manufacturers, a business still carried on at Dolgelly by a relative—Mr. Meyrick Jones—who used to supply Tennyson with Welsh cloth. Like Mr. J. M. Griffiths, his Welsh blood appears to have some foreign admixture in it, if we judge from the evidence of personal names, for his mother's maiden name was Bennet, while Andrew Breeze has also been a family name for several generations (being derived from the Breezes of Llanbrynmair). After attending the local National School and some private schools at Newtown, Mr. Jones spent two years (1873-5) at the then newly-established college at Aberystwyth, where, for a part of the time, he shared rooms with Mr. Thomas Ellis, M.P., and had as his contemporaries, Mr. Ellis Griffith, M.P., and the present Principal of the College. His parents had lived since 1857 at Pertheirin, a fine half-timbered farmhouse, once a mansion, near Caersws, and Mr. Jones, who on leaving college settled at home, has carried on the farm since his father's death in February, 1887. The holding, which belongs to Mr. Edward

Davies, of Llan Dinam, may be described as a mixed farm of about 150 acres, together with a sheep walk of some 100 acres. Mr. Jones's public life commenced in January, 1889, when he was elected, after a contest, member of the County Council for Montgomeryshire, a position which he has since retained, while in January, 1894, he qualified as a magistrate for the county. Since 1889, he has also represented his county on the Court of Governors of Aberystwyth College, and since October, 1895, he has been a member of its Council. As becomes one bearing the same name as the economist who was the reputed author of the Tithe Commutation Act, Mr. Richard Jones is capable of taking part in the most recondite arguments in political economy. His reliance on that dismal science is only equalled by his enthusiasm for cricket and football, and by his assertion of the superior merits both of Powys horses and of the Welsh mutton of Montgomeryshire.

Banker, and Writer on the economics of land tenure.

9.—Mr. Frederic Seebohm, who was born in 1833, at Bradford, in Yorkshire, belongs to an old Quaker family. He was called to the Bar at the Middle Temple in 1856, but settled soon after at Hitchin, Herts, where he became a partner in the banking firm of Sharples & Co. The late Mr. Henry Seebohm, the distinguished ornithologist, was his brother. So far as the public is concerned Mr. Seebohm's name is connected more conspicuously with the history than the economics of land tenure, nevertheless he himself confesses "to having approached the subject, not as an antiquary, but as a student of Economic History, and even with a directly political interest." To use his own words, what he has done throughout is "to treat from an economic point of view a subject which has an antiquarian interest." Among the first fruits of this economic study was a series of three articles on "The Land Question," published in the *Fortnightly Review* for December, 1869, and January and February, 1870. The nature of these articles may, to some extent, be inferred from their sub-titles, which were as follows:—(*a*) English Tenures in Ireland. (*b*) Feudal Tenures in England (*c*) The Severance of the English People from the Land. These articles, it should be mentioned, were published before the passing of the Irish Land Act of 1870. Mr. Seebohm also took an active part in connection with Mr. Forster's Education Act of 1870. After several years' further study of the historical side of the subject, Mr. Seebohm, in 1883, published his best-known work "The English Village Community," which, in its sub-title, he characteristically described as "An Essay in Economic History." A fourth edition of the work was issued in 1890. From the Welsh point of view, probably the most interesting portion of this work is that relating to the land system of Wales, as disclosed chiefly in the laws of Howel Dda. His treatment of this subject was further amplified in "The Tribal System in Wales" (published in 1895), in which, if we may quote the words of Professor Ashley, "he has compelled what before was a bewildering jungle of Celtic nomenclature, to yield up some sort of intelligible shape." He is also favourably known as a writer on the history of the period of the Reformation. In 1892 he was elected member of the Athenæum Club under the special rule empowering the Committee to elect yearly a "certain number of persons of distinguished eminence in science, literature, or the arts." The Edinburgh University conferred on him its Honorary Degree of LL.D., and he is also an F.S.A.

Mr. Seebohm is, moreover, well-known in connection with banking and financial matters, and has been president of the Country Bankers' Association for the past year. Equally valuable—for the Land Commission—as his business training and his studies in economic history, was his practical knowledge of peasant life. In his youth, he became acquainted with the various vicissitudes of the small farmers among the hills and dales of his native Yorkshire, while in later years he has studied on the spot, not only the Irish peasant and the Scotch crofter, but also the peasant proprietor of Scandinavia. It may be added that Mr.

Seebohm is a staunch believer in Individualism and Freedom of Contract and is now a Liberal Unionist.

Was the tribunal competent and impartial?

The reader is now, we trust, in a position to judge for himself whether the tribunal was both competent and impartial or otherwise. One word only need be added: not a single member of the Commission had, prior to his appointment, publicly pronounced, so far as is known to the writer, any definite opinion as to the Welsh Land Question, or "taken sides," so to speak, in the matter. If there was an exception, it was to be found perhaps in the person of Sir John Llewelyn, who had become a member of the Executive Committee of the newly-formed Landowners' Association of South Wales, but (as was made known at the time) when he was asked to serve on the Commission, he at once informed the Minister who approached him of his position, was told that it was no disqualification, and, accepting the post on that understanding, he thereupon withdrew his membership with the utmost promptitude. Beyond this, not one of the members appears to have previously taken any part in the public discussion of the Welsh land question. So far as land tenure generally was concerned—that is, irrespective of the special circumstances of Wales—the only members whose views were perhaps well known were Lord Carrington, who had a reputation as a generous, reforming landowner, and Mr. Seebohm, who had indirectly helped to pass the Irish Land Act of 1870—facts which no one would take to be disqualifying them for the work they undertook in regard to Wales.

Its cost to the Country.

Considering the amount and nature of the work done by the Commission, it will probably be held by those most competent to judge that its expenditure has by no means proved extravagant. In round figures the expenditure charged to the Temporary Commissions Vote on its account has amounted to about £8,500, but this does not include the bill for printing. The chief items have been the shorthand writer's account* and the travelling and other expenses incidental to the holding of 80 public sittings in various parts of Wales. All the Commissioners gave their services gratuitously, being allowed only their travelling expenses and the usual "subsistence allowance,"—barely enough to cover hotel expenses—when away from home on the business of the Commission. More than one of the Commissioners did not, however, make any claim on the Treasury for even their out-of-pocket expenses.

* The "note-taking," which proved remarkably heavy, was done by Mr. James Towell, with the aid, of course, of numerous assistants. The total number of folios of evidence transcribed was 63,463. and the sum paid therefor (including attendance fees) amounted to £2,371 12s. 8d., while the sum paid for note-taking during the Report stage was £105 8s. 0d.

Observations on its Staff.

As to office expenditure, it may be claimed that the most rigid economy was practised throughout, and in this connection a word may perhaps be permitted as to the staff. When the Commission was constituted, the writer of this digest, who was then acting as Assistant Commissioner to the Labour Commission, was appointed Secretary at the usual salary of £400 a year, provision being also made that he should have a clerk and a messenger under him. The work of the Commission developed so rapidly that in October, 1893, it was found necessary to give him further assistance and Mr. Cecil Owen, who, up to that time, had done the clerical work of the office, was then appointed Assistant Secretary at the yearly salary of £150. In February, 1895, when the writer was prostrated with typhoid fever, Mr. Owen was appointed Joint Secretary with him, their salaries thereafter to the close of the Commission being £275 each. Mr. Owen is the son of Sir Hugh Owen, K.C.B., Permanent Secretary to the Local Government Board, and grandson of the late Sir Hugh Owen, to whose unselfish and patriotic labours, more than of any other person, the present educational system of Wales owes its existence. Though new to official life when he first entered the service of the Commission, Mr. Owen has, since March, 1895, been private secretary (unpaid) to Sir Arthur Arnold, Chairman of the London County Council.

Perhaps it deserves to be placed on record that much of the correspondence of the office had necessarily to be carried on in Welsh, in which language a considerable proportion of witnesses and others from the Welsh-speaking districts addressed their communications. Every Welsh letter that came to the office was invariably replied to in Welsh.

2.—ITS JURISDICTION.

Terms of reference and their interpretation.

The terms of reference, or in other words, the duty with which the Commissioners were charged was—

> "To inquire into the conditions and circumstances under which land is held, occupied and cultivated in Wales and Monmouthshire, and to report thereon."

How to interpret these words was practically the first matter the Commissioners had to decide. They came to the conclusion that their instructions had been "couched intentionally in words and terms somewhat large and indefinite," in order that they might exercise a free discretion, by way of limiting or extending the scope of their inquiry, but, "without any doubt," the Report says, "we arrived at

the conclusion that it was the conditions and circumstances connected with the ownership and occupation of that land, which, for want of a better term, we call agricultural land, to which we ought principally to give our attention." (p. 1). A syllabus was then drawn up "suggesting the principal topics on which information was desired," and this was issued, both in Welsh and English, for general circulation in Wales.

Criticisms of this interpretation.

At least two objections have, we believe, been urged against this interpretation. Those objections briefly put amount to this:—(1) That the introduction of the word "cultivated" into the terms of reference was intended to limit the application of the preceding words—"held" and "occupied," to such land as is capable of cultivation only; that is not *principally*, but *solely* to agricultural land. (2) That the word "held" refers to the *holding* of land by occupying tenants, and not to the fact that the so-called *ownership* of land in this country means that all land is *held* of the Crown.

According to this view, the relationship existing between landlord and tenant is all that the word "held" suggests, while the word "occupied" is also used so as to include occupying freeholders, as well as tenants. The effect of this interpretation would be the exclusion, from the scope of the inquiry, of all questions of ownership, while the previous objection, if valid, would still further exclude questions relating to all land that is not agricultural in character. These views will be better understood if we quote from the evidence the statements of one or two prominent witnesses.

As to the inclusion of questions of ownership, Col. the Hon. W. E. Sackville-West, chief agent for Lord Penrhyn's estates, gave indirect expression to his opinion when asked "to give some information as to any grants from the Crown to landowners" in North Wales. "Do I understand," the witness inquired,* "that the Commissioners are going into questions of title?" "Not as between two private individuals, but as between the Crown and private individuals," replied Mr. Brynmor Jones, on behalf of the Commission; "But they are," retorted Colonel West, "they are investigating the title of individuals as to property granted by the Crown."

The other view that the terms of reference implied an inquiry into *agricultural* land only, is illustrated by the attitude assumed by Mr. Myddelton Biddulph, of Chirk Castle. A witness had alleged that the occupier of a shop in the Ceiriog Valley had been capriciously evicted by Mr.

* Q.—12,222-3.

Myddelton Biddulph, who thereupon addressed the Commissioners in these words† :—

"Your Commission is an inquiry into the state of Welsh agriculture and land tenure, and this case is not within the scope of your inquiry as this person who is referred to held no land, he held a house and shop only; . . . therefore I decline to answer or say anything whatever on the subject.

"*Mr. Brynmor Jones:* Was the shop built on land?—I fancy, sir, that all shops do have some foundation on land.

Q: "This Commission is authorised to inquire into 'the conditions and circumstances under which land in Wales and Monmouthshire is *held*, *occupied*, and cultivated'?—This man held no land for agricultural purposes.

Q: "He *held* a shop, and the shop was on land?—There was no land to cultivate? You cannot cultivate bricks and mortar that I know of."

Though the Commissioners thus asserted their right to inquire alike into the ownership and occupation of all kinds of land, still as a matter of fact their inquiry was for the most part limited to questions relating to the tenure of agricultural land only, and the Report contains little or nothing on such questions as leasehold enfranchisement, the taxation of ground values, and mining royalties, except that reference is made to the fact that these questions had been recently investigated by other Commissions and Committees in a very exhaustive manner (p. 2).

3.—ITS PROCEDURE.

Procedure adopted.

With reference to the procedure of the Commission, the following are, perhaps, the chief points that need be mentioned.

1. They conducted the whole inquiry themselves and did not delegate any of their power, as is often done, to Assistant Commissioners.

2. Being a Commission to inquire and report and not one to hear and determine, they were not empowered to take evidence on oath.

3. All the sittings for the purpose of evidence-taking were open to the public, and, as sittings were held at various centres in every county of Wales, evidence of a local character was so far as possible taken at the sitting most conveniently situated to that locality. For example, evidence of a controversial nature relating to the local management of property was not taken in London, nor, so far as possible, outside the district or county chiefly interested.

† Q.—60,492-5.

4. The examination of witnesses was conducted solely by the Commissioners themselves, so that no counsel, or solicitor was permitted actively to intervene in the proceedings in the manner usual in courts of law.

Oral intervention by Counsel or Solicitors not permitted.

The Commissioners report that "considerable pressure was brought to bear upon them directly and indirectly, to give the fullest power to legal representatives of persons interested, but that after full discussion" they decided against such a course (pp. 3-4). But while coming to this conclusion they thought that "there could be no reason why any witness should not be asked questions in writing handed in by *any one present at a sitting*, if the Commissioners thought it expedient that such written question should be put." Six reasons are categorically stated for the exclusion of any examination other than by or through the Commissioners themselves—the last and probably chief reason being that it was contrary to all precedent in the case of similar Royal Commissions.

The course adopted by the Commission was to all intents and purposes identical with that of the Welsh Sunday Closing Commission in 1889. That Commission had received several applications that Counsel should be allowed to examine witnesses, but they were all refused; and Lord Balfour of Burleigh, in opening the proceedings at the first sitting held in Wales, stated as Chairman their reasons in terms that may here be quoted in illustration of the usual procedure of Royal Commissions. He said:—

"If the Commission were to have taken the course of allowing counsel instructed on behalf of any society or association to appear and examine and cross-examine, we should, I think, have been taking a course absolutely without precedent upon a Royal Commission, situated as we are, and therefore we rejected that suggestion without hesitation. We shall, of course, if there is any corporate body, a county council, or a town council, or any society that desires to make representations to the Commission allow a representative—the whole society or the whole town council cannot in the nature of things come here, and they must delegate somebody to speak for them. If they choose, in the exercise of their judgment, to delegate a gentleman learned in the law, rather than one of themselves, that is matter for their consideration, and we shall be glad that he should appear and make any statement that he chooses, but either he, or some of those for whom he appears will, of course, have to be available to answer questions upon which he may not have been—in perfect good faith, no doubt,—but in which he may not have been perfectly and fully instructed. No examination can take place except on the part of the Commissioners themselves. If the gentlemen who put forward witnesses think that any material point is being omitted, they can suggest questions if they choose to the Commissioners, but the Commissioners will be the only persons to put questions to the witnesses."

This statement by the Chairman of the Sunday Closing Commission practically expresses the principles on which the Land Commission also conducted their inquiry; and, making

due allowance for difference of subject-matter, the proceedings in the latter case closely resembled those of the earlier Commission.

How the evidence was prepared.

Associations and Committees were formed with the view of bringing forward witnesses and of assisting them in the preparation of their evidence. Even before the Land Commission was appointed two Landowners' Associations had been formed, one for North and the other for South Wales. The former had as its Secretary the late Mr. George Owen, a Solicitor of Carnarvon, while Mr. J. E. Vincent, of the North Wales Circuit, had been retained as counsel for the Society. All the North Wales sittings were attended by these two gentlemen, with whom, on most occasions, Mr. Owen Slaney Wynne, sometime chief agent of the Wynnstay estates, was also associated as general agricultural adviser. The secretaryship to the other Association was also filled by Mr. Vincent, who along with Mr. H. L. Stephen, of the South Wales Circuit, represented that society at the sittings in South Wales. It may be mentioned that Mr. Vincent was also understood to be representing *The Times* in the capacity of correspondent, at the sittings of the Commission, though when himself giving evidence, he declined to state whether that was so or not.

The majority of landowners and agents as well as a small proportion of tenants and other witnesses availed themselves of the assistance offered by these two organisations, either in the preparation or submission of their evidence. These were the only general associations covering the whole of Wales.

The tenant farmers, as a class, were therefore not organised on anything like the same scale as the landowners. Here and there, they formed themselves into local committees for the purpose of collecting evidence to be tendered by some chosen representatives, elsewhere an informal meeting for a parish or an estate was held and a delegate was chosen, who received general instructions as to what he should tell the Commissioners. In most counties, the machinery of the Liberal Association, or some other society of a frankly political character, was utilised, and its secretary, or the registration agent of the party gave such assistance to witnesses as was found possible or deemed necessary. We cannot here mention all those who had thus something to do with assisting tenant farmers in preparing or submitting their evidence, and as it would appear invidious to signal out a few names while omitting others, we content ourselves with giving a general description of the capacity in which they rendered such service.

One obvious and, perhaps, inevitable result of these methods of preparing evidence was that, in appearing before the Commission, parties ranged themselves into two hostile camps, and though this might be a matter for some regret, still it may be said on the other hand, that without the active help of these various associations and their representatives, the inquiry of the Commission could never have been nearly so searching or exhaustive as it was, nor could the fierce light of public opinion have been directed with such force, on the evidence that was put forward. Chiefly, therefore, by the aid of these two sets of associations, most of the witnesses, of whatever class, were able to comply with a rule of the Commission that each witness should submit before hand either an abstract or a full statement of such evidence as he might wish to give. Beyond stating that most of the Welsh witnesses were "no doubt aided by their friends" in having their statements thus prepared, the Report does not refer to the method by which that was done. We have, however, thought it necessary to give this brief account of the manner in which the evidence was prepared, especially as it may be regarded by some people as a factor affecting the value of that evidence.

Rebutting evidence.

Besides the assistance thus rendered to witnesses before their appearance in Court, the advisers or organisers referred to generally watched the proceedings at the sittings, and, as they thought fit, handed in written questions with the view of eliciting admissions favourable to their case, or of preventing the omission of material points through oversight or otherwise. Such questions, if accepted by the Commission, were put by the Chairman in the names of the persons who submitted them. Moreover, "in addition to the check upon rash and inadequate statements afforded by this permission . . . to put questions in writing through the Chairman," the Commission gave a general instruction that the Secretary should "send notice forthwith to every person whose character or conduct might (in their opinion) be impugned by the statement of any witness, so that any person attacked might have an opportunity of explaining or rebutting the charge at an early moment" (p. 5). A large number of persons availed themselves of such opportunity, but in their rebutting statements they were not allowed to enter into general matters unless they had given notice of their intention of giving general evidence, but were strictly limited to the rebuttal, more or less categorically, of the statements they complained of.

Publication of evidence.

Each day's evidence was, moreover, printed and published at the uniform charge of 2d. per copy, as soon as possible after each sitting, and parties interested were thus able to acquaint themselves with promptitude of the nature of any evidence affecting them, while in urgent matters they could procure at the customary charge a transcript of the shorthand writer's notes of any particular statement.

Subsequently the evidence, revised by the witnesses themselves, was issued in five large folio volumes,* which extend to an aggregate of 4,672 pages, while the number of the final question is given as 79,062, the total cost of the set being £1 16s. 11d.

* The following is a list of the volumes, with some account of their contents, &c.:—

No. of Vol.	No. of Sittings included.	Counties to which evidence relates.	No. of Pages.	Price. £ s. d.	No. of Parliamentary Paper.	Year of Publication.
I.	1st to 22nd	Glamorgan (first visit) Merioneth & Carnarvon	898	0 7 3	C.—7439—I.	1894
II.	23rd to 45th	Glamorgan (second visit) Anglesey, Pembroke & Monmouth ...	958	0 7 3	C.—7439—II	1894
III.	46th to 63rd	Carmarthen, Cardigan, Brecknock & Radnor	1,054	0 8 5	C.—7661.	1895
IV.	64th to 80th	Denbigh, Flint, & Montgomery	956	0 7 7	C.—7757.	1895
V.	81st to 99th with Index to the whole Evidence: Vol. I.—V.	Evidence of Supplemental Sittings at Carmarthen & Newtown, & London Evidence	806	0 6 5	C.—8222.	1896
			4,672	1 16 11		

Number of sittings and of witnesses.

In addition to some 45 private sittings, chiefly for the consideration of the Report, 99 public sittings were held for the reception of evidence, and of these, 80 were held in Wales and 19 in London. On 23 occasions the Commissioners found it necessary to divide themselves into two courts on account of the large number of witnesses to be examined. In all, as many as 1,086 witnesses gave evidence—many of them on more than one occasion—and they are thus classified, according to their occupations, in the Report (p. 7):—106 landowners, 110 agents, 516 tenants, 82 freeholders, 21 labourers, 12 clergymen of the Church of England, 22 ministers of other denominations, 58 members of professions (not including those already mentioned), 39 tradesmen and mechanics, 88 witnesses of various other occupations difficult of classification, and 32 witnesses who gave official or expert evidence. Of this total, 372 witnesses gave their

evidence in Welsh, and the remaining 714 in English. The grand total of 1,086 included as many as 25 women witnesses.

The alleged fear of Tenant Farmers and others.

During the inquiry it was very frequently asserted that tenant farmers were afraid to come forward to give evidence. Was this really so? and if so, had they any reasonable ground for their fear? are questions which the Commissioners therefore put to themselves. Their unanimous reply thereto (p. 9) is—"That not simply a small number of exceptionally timid or prudent men, but a very large proportion of the tenant-farmers in each district were deterred from coming forward to give evidence by fear of incurring the displeasure of the landlord, and therefore possibly of receiving notice to quit, or at any rate, being placed in a disadvantageous relation to him and his agent. This is simply a question of fact, and is quite consistent with the view that these fears of the tenants were groundless . . . Speaking more especially with reference to the large estates, we think that the tenants might have come forward without real danger of eviction. The state of political and religious feeling in the Principality, especially in the more distinctly Welsh districts, is such that we cannot speak with so much confidence as to the tenants not being molested or being treated with less favour than may have been the case before." The Commissioners however, point out that the question whether tenant farmers' fears were justified "is, after all, one of opinion and speculation, and it can only be determined, with any approach to certainty, by observing, after the Commission is over, the conduct of the landlords in reference to the numerous tenant farmers who gave evidence. If, as we believe will be the case, the landlords continue to treat the tenants who did come forward to give evidence in the same way as those who did not, then public opinion will acquit the landlords of the suspicions engendered in the minds of the tenant farmers by a consciousness of the insecurity of their position and the recollection of what took place at and subsequent to the General Elections of 1859 and 1868."

This is the judgment expressed on this question by the whole Commission. The Majority however, in their separate Report (p. 925), supplement this by stating that "rightly or wrongly the tenants believed that their landlords and their agents were opposed to the inquiry, and that it would (therefore) be imprudent to give evidence." The reality of this fear is proved, they say, by (1) the preponderance of evidence to that effect, (2) facts brought to the notice of individual Commissioners, (3) the naturalness of such fear, considering the yearly character of most tenancies, and the prevailing sense

of their insecurity, (4) the fact that "it is idle to deny that there is a profound and indelible conviction in the mind of the average Welsh-speaking tenant that his landlord will not hesitate to use the weapon of eviction if his political opinions are thwarted or his pecuniary interest threatened," (5) "the conduct of some of the landlords even in the course of the inquiry itself."

Alleged breaches of Witnesses' Protection Act.

The last reason here stated has reference to complaints made by witnesses that they had been injured in their circumstances in consequence of the evidence they had given. For example, several witnesses who had received notices to quit, after they had given evidence, came forward a second time and complained that it was *because* of such evidence that they had been so treated.

The Commissioners in referring to these complaints, in their General Report, state that with the view to giving confidence to witnesses, and to warning the more intemperate or unscrupulous persons, they had at their first public sitting, as well as on numerous other occasions, made a definite formal statement pointing out that "the Witnesses Protection Act of 1892 afforded a remedy adequate to meet any ordinary case." There is no doubt that this bold statement on the part of the Commissioners did, as a matter of fact, encourage many persons to come forward who would not otherwise have done so. But it is now obvious that in making that statement the Commissioners were too liberally interpreting the Act, as they, in fact, confess: "we were distinctly under the impression that in the true construction of the Act any action by a landlord adverse to a tenant who had given evidence before us for which any capricious, trivial, and wholly inadequate reasons were given would certainly *primâ facie* come within its terms, and at any rate throw on a landlord the onus of justifying his conduct." (p. 10).

This view of the Act was not shared by the law officers of the Crown, who in no case, during either the Liberal or the Conservative Administration, commenced proceedings against any person who was alleged to have committed a breach of the Act, though the Commissioners themselves had come to the conclusion that a *primâ facie* case against several such persons had been established. In short, the Report discloses a conflict of opinion between the Commissioners and the law officers of the Crown. As to the ultimate criminality of the conduct of the persons complained of, the Commissioners do not, however, give any opinion, deeming it outside their province so to do, but they content themselves with

expressing regret "that in any case the law should have failed to give the protection intended by the Act."

Their dissatisfaction with the Act as it stands at present —or with the interpretation placed on it by the law officers of the Crown may be further inferred from the following recommendation which all the Commissioners make at the end of their Report: "We recommend in view of the complaints made by persons to us that they have been damnified by having given evidence before this Commission, to the difficulty in which we have been placed from time to time in dealing with these complaints, and, the action of the Public Prosecutor disclosed above, that a public inquiry should be made into the operation of the Act, and as to the desirability of amending it, and in this connection we express an earnest hope that landlords and agents will not allow themselves to be influenced in their dealings with any tenant by the fact that he has given evidence before this Commission." (p. 959).

Two complaints, coming from different quarters, have been made in the Press and elsewhere as to the action of the Commission in this matter.

First, it is urged, on behalf of those who alleged that they suffered injury for giving evidence, that the Commission distinctly though unwittingly misrepresented the Act, and were subsequently unable to extend to the witnesses so emboldened to come forward that protection which they led everyone to believe it was in their power to give.

Secondly, those who were publicly accused before the Commission of having violated the Act, urge that a serious criminal charge was allowed to be brought against them, and that the Commission, though not a Court of Law empowered to hear and determine such a charge, took upon themselves to pronounce that in their opinion a *primâ facie* case had been established against such persons.

4.—*GENERAL SCHEME OF REPORT AND APPENDICES.*

General scheme of the Report described.

From the foregoing pages it will be seen that the Commissioners have placed in the forefront of their Report an exceptionally elaborate explanation of their procedure, and they appear to have aimed at disarming criticism, or at all events, at defending themselves against attack by stating categorically their reasons for nearly every decision arrived at.

All this, however, forms no part of the Report itself; it is merely the "Introduction" to it.

Now that we have disposed of this preliminary matter, it will be found convenient if, before proceeding further, we give here a sketch of the main divisions of the Report.

This, like most other Reports, is divided into two main parts, but in the present case these divisions or compartments are called "books."

The first book, which is sub-divided into four parts, is a statement of all the facts which were deemed pertinent to the subject matter of the inquiry. Much of the evidence is here analysed, but the Commissioners have also drawn largely from other sources of public information, as well as from their own private stores of experience and erudition. The second book contains (*a*) the conclusions which are drawn from the data given in Book I., and (*b*) the recommendations made by the Commissioners as to legislative and administrative action.

Perhaps the general scheme of the whole work can best be presented in this form, in which we also indicate what portions have been signed by all the Commissioners, and what other portions are signed by sections of them only.

INTRODUCTION.

BOOK I.—GENERAL VIEW OF THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH LAND IN WALES AND MONMOUTHSHIRE IS HELD, OCCUPIED, AND CULTIVATED.

PART I.—GENERAL CONDITIONS AND CIRCUMSTANCES.

PART II.—OWNERSHIP AND LANDOWNERS.

PART III.—OCCUPATION AND OCCUPIERS—*i.e.*, TENANT FARMERS, OCCUPYING FREEHOLDERS, SQUATTERS, COTTAGERS, AND LABOURERS.

PART IV.—CULTIVATION AND FARMING.

[*Signed by all the Commissioners.*]

BOOK II.—CONCLUSIONS & RECOMMENDATIONS.

[*Signed by the Majority of the Commissioners. Also adopted in general terms by the minority, excepting "those sections which lead up to the creation of a judicial tenancy and the constitution of a Land Court."*]

SEPARATE REPORT.

[*Signed by the Minority of the Commissioners.*]

SUMMARY OF RECOMMENDATIONS.

The Majority consisted of six members, or two-thirds of the Commission, viz., Earl Carrington (Chairman), Mr. D. Brynmor Jones, Q.C., M.P., Professor Rhys, and Messrs. J. M. Griffiths, Edwin Grove, and Richard Jones.

The Minority, which consisted of the remaining third, were Lord Kenyon, Sir J. T. D. Llewelyn, Bart., M.P., and Mr. Frederic Seebohm.

Contents of Appendices described.

In addition to the Report itself, a separate volume of Appendices to the Report has been published, containing information, other than the evidence of the Commission, which has been utilised as a basis for the statements made in the Report. Each Appendix bears a distinguishing letter (A, B, &c.), and it may be convenient to give here the following brief account of the more important of them :—

Appendix A : A summary of the Reports of the more important inquiries conducted by Parliamentary and Departmental Committees and various Royal Commissions, relating (either wholly or in part) to agriculture and land tenure and to the general conditions of life in Wales and Monmouthshire.

This memorandum, which extends to 78 closely printed pages, contains summaries of as many as 42 separate sets of Reports, of which the following appear to have the most important bearing on the subject matter.

(1) Agricultural surveys of each Welsh county made in 1794-1796, under the auspices of the then existing Board of Agriculture.

(2) Reports, also made to the Board of Agriculture, in 1810-1815 on the Agriculture of Wales and Monmouthshire—4 volumes, viz.: one on North Wales, two on South Wales by the Rev. Walter Davies (Gwallter Mechain), and a 4th volume on Monmouthshire by Mr. Charles Hassall, of Pembrokeshire. These Reports superseded the earlier ones of 1794, and are simply a mine of the most valuable information on almost every point relating to Welsh rural life at the time.

It is not too much to say that Davies's Reports, or "General Views of the Agriculture and Domestic Economy of Wales," are the foundation on which the greater part of the present Report is based, and the references to them are, therefore, both numerous and frequent.

(3) A series of about seven Reports made by Select Committees, &c., on the Agricultural Distress in England and Wales between 1816 and 1837.

(4) Report on the Inclosure of Commons, 1844.

(5) Report of the South Wales (or "Rebecca Riots") Commission (1844), which ranks next to Davies's Reports in importance, as disclosing the condition of the farming population of South Wales in 1844.

(6) Reports—three in number—on the state of Education in Wales (1846-7). The accounts given of the condition of the people in these Reports were deemed so unjust and unfavourable that the inquiry became known as *Brâd y Llyfrau Gleision* (The Treason of the Blue Books).

(7) The Report on Agricultural Employment in Wales (1867). Mr. Doyle's Report on Welsh Agriculture (1880) and the Labour Commission's Report on the Welsh Agricultural Labourer (1893) were also largely utilised, and are referred to or summarised in this memorandum.

Appendix B is a Bibliography of all books (other than Parliamentary papers) dealing with any of the subjects embraced within the scope of the inquiry, and to this has been added by way of supplement, an anno-

tated bibliography of the Fauna and Flora of Wales, a list of over 1,000 papers, &c., on the geology, mineralogy and palaeontology of Wales, together with a classified list of works relating to the staple industries of Wales. The lists in the first part of this Appendix are classified according to the subject matter of the books recorded, among the more interesting divisions being—

(1) Descriptions of the agriculture pursued in Wales, containing references to a large number of old tour-books and general topographical works dealing with the subject, as well as essays in the Journal of the Royal Agricultural Society on Welsh Farming, *e.g.*, of North Wales by T. Rowlandson (1846), and of South Wales by Clare Sewell Read (1849).

(2) Works on Practical Farming, and on Live Stock.

(3) Economics and Political Controversy. Commencing with a full list of the publications of Welsh Chartists (1816-1840), it records the papers written on Welsh land tenure by Samuel Roberts, of Llanbrynmair, Dr. Rees (*Hiraethog*), Henry Richard; together with the abundant crop of pamphlets, &c., written both in Welsh and English during the last 10 years, and concludes with lists of Welsh tracts on Land Nationalisation, of works relating to the Anti-tithe Agitation, and of important articles on Welsh land tenure in English newspapers but unpublished in book form.

Appendix C contains a review of the periodical literature of Wales in so far as it throws light upon Welsh agriculture and land tenure. It deals with (1) The Welsh Magazines (1770—1870); (2) Early Welsh Newspapers, and gives an exhaustive list (with particulars) of Periodicals and Newspapers published in Wales, in Welsh or English, in 1895, and of Periodicals issued in connection with Wales. To this matter are added "Extracts from the *Times* relative to the state of South Wales in 1843," which contain much valuable information that supplements the Report of the Commission of that year previously mentioned.

Appendix D contains the following statistical information relating to Wales:—

(1) A List of all Enclosure Acts.

(2) The approximate extent of Waste Lands (*a*) in 1795, (*b*) in 1843, and (*c*) in 1895, specifying how much is apparently suitable and unsuitable for cultivation.

(3) The acreage of land, water, and foreshore in each parish.

(4) A Tabulated List of the contour areas of Wales.

(5) Heights of the principal mountains of Wales.

(6) Mileage of the coast of Wales.

(7) Meteorological Tables relating to Wales.

Much of the information here collected—some of it for the first time—will be found most useful for Parish, District, and County Councillors as well as others interested in local government.

Appendix E is a memorandum on the Census Statistics of Wales, illustrated by means of 24 tables, showing *interalia* the absolute and relative number of persons engaged in agriculture and in each branch of employment therein, at various periods during the century.

Appendix F is made up of abstracts of agreements and leases in use upon over 100 Welsh estates.

Appendices G, H, and J give lists of the Hundreds, Poor-law Unions, Highway Districts, and Urban and Rural Districts, according to parishes, together with statistics as to their Population, Acreage, and Rateable Value, and the Expenditure on Poor Relief.

Appendix K: A Return of all Land belonging to Municipal Corporations in Wales.

Appendix L gives the full text of the Statutes of Henry VIII. which completed the incorporation of Wales with England.

Appendix M: Memorandum on the Lordships and Manors of Wales.

After this are given plans of some half-a-dozen modern farm-steads in North Wales, and copies of all circulars, &c., issued from time to time by the Commission.

CHAPTER II.

GENERAL CONDITIONS AND CIRCUMSTANCES.

1.—THE GEOGRAPHY AND NATURAL HISTORY OF WALES.

Relevancy of certain portions of the Report discussed.

Returning to the Report itself, and commencing with Book I., we find that the Commissioners, in pursuance of their wide interpretation of the terms of reference, deal in Part I. with a great variety of subjects under the somewhat indefinite heading—" General Conditions and Circumstances."

A mere list of the topics dealt with in this Part (which extends to about 170 folio pages) will suggest to many people the questions—Was all this relevant? Was it necessary?

Similar questions apparently occurred to the Commissioners themselves, and the following is the reply they give thereto (p. 13):—

"In attempting to determine the economic condition of a particular industry in a state of society which is the result of a growth continued for centuries and which presents all the features of a highly organised structure, it is not possible to understand the true meaning of the statistics and facts directly affecting that particular industry, without at the same time being acquainted, to some extent at least, with general statistics and facts affecting the whole community, and all departments of productive work. To detach or isolate the phenomena connected with one or more classes in such a society is certain to lead to misinterpretation and error. One cannot really understand the meaning of evidence, figures and facts about the agriculture of a country without knowing something of its history, of its population, and of its staple industries, as well as its principal geographical and natural features."

The lengthy treatment of these general topics is described as an " attempt to lay a basis for the right consideration of the evidence taken, and the facts collected concerning the circumstances under which land in Wales is held, occupied, and cultivated." To those who may be inclined to think that Part I. deals with matters irrelevant from a practical point of view, the Commissioners, at the end of that part of their Report, give the following warning (p. 180):—

" In the view that we take of the grave political questions which our inquiry raises, no one ought lightly to undertake to answer them without a full and intelligent conception of the conditions, historical and existing, of the counties that are comprehended within the area of our inquiry. It is for this reason that we have, as preliminary to our analysis of the evidence and view of the existing state of things, given such consideration that we deem sufficient to the general causes which have created the social, political, and economic circumstances of Wales."

Whether relevant or not, Part I. occupies nearly one-fifth of the whole Report. It is sub-divided into as many as fourteen chapters, of which, however, only three or four will be summarised by us at any length. The remaining chapters, though containing much valuable matter for the student and the statesman, will, it is trusted, be adequately dealt with, in what aims at being a popular summary, if we briefly indicate the nature of their contents.

Civil Divisions of Wales.

Chapter 1, which is described as "Geographical," treats, in fact, of the civil divisions of the Principality. It gives in the course of separate sections:—(*a*) An account of the exterior boundaries of Wales, to which is appended a note on the anomalous position of Monmouthshire as being included in Wales for most executive purposes, but in a few cases treated otherwise; (*b*) A list of the ancient divisions of the country into cantrefs and commotes, together with a note on the chief sources of information on the subject, and a facsimile of Dr. Owen Pughe's Map of Wales showing such divisions; (*c*) The history of the formation of the Welsh counties, also stating the acreages of their ancient and administrative (or modern) areas respectively; (*d*) The various sub-divisions of the country into hundreds and parishes, and, at a more recent date, into poor law unions and highway and sanitary districts; (*e*) Lists of the cities and boroughs, with the dates of their principal charters, and some other particulars derived chiefly from the Reports on Municipal Corporations, 1835 and 1876, and from the Acts of 1835, 1882, and 1883.

Geology: Agricultural characteristics and soils.

Chapter 2 (for the contents of which the Commissioners acknowledge indebtedness to Mr. H. B. Woodward, F.R.S.) gives (at pp. 23-26) a concise and valuable account of the geology of Wales, paying special regard to the agricultural characteristics and the soils of the country. As to the older rocks from the Pre-Cambrian to the Silurian, which appear to form the surface of the ground over the greater part of Wales, it is stated that they "form on the whole, somewhat barren areas." The result is, broadly speaking, that while "agricultural operations can be carried on in the lower grounds, and sometimes for a distance up the hill slopes, the higher grounds can afford little else than pasture for sheep and black cattle, and the other industries would be the digging of peat, the quarrying of slate, and metal-mining" (p. 25). The Old Red Sandstone, which occupies a large portion of South-West Wales, forms on the other hand a comparatively rich agricultural region. The Limestone tracts, which

fringe the South Wales Coalfield and runs along the North Coast of Wales, provide good pasturage for sheep, and may be recognised even from a distance by their greater verdure. The soil over the coal measures, especially in South Wales, is agriculturally poor. In the Vale of Glamorgan there is a small lias belt, which forms a tract of useful dairy land, while good corn may also be grown on it. The alluvial flats that border the Dee, Severn, Wye, Usk, Dovey, and other rivers, furnish rich tracts of pasture land. The presence or absence of each kind of rock in the various counties is also shown by means of a tabular statement, while another table gives the quantity and value of the useful minerals worked in Wales in 1894—the total value (excluding stone worked in Monmouthshire) being given as £15,411,226.

Excessive rainfall, and absence of sunshine.

Chapter 3 bears the title of "Climatic Conditions," and deals mainly with the extent of rainfall prevalent in Wales. It is observed that "the excessive rainfall has a very important bearing both upon the agricultural problem and upon the general life and habits of the people of Wales." For the sake of comparison with other districts, a Rainfall Map of the British Isles is given, which shows at a glance "how Wales approximates to the hilly districts of Devonshire, to Lancashire, to the western part of Scotland, and to the south-west of Ireland; and also how much greater the rainfall is than on the central and eastern parts of England." This is only natural owing to the greater proximity of Wales to the Atlantic, its more mountainous character, and its colder soil. The obvious effect of all this is that Wales, speaking broadly, is pre-eminently a pastoral rather than a corn-growing country; in other words, is more suited for the production of grass and root crops than of cereals, though the Commissioners suggest that "it is probably not so much the rainfall as the greater amount of cloud and the absence of sun that militates against the corn-growing capacity of Wales." As to the excessive rainfall, Liverpool, Birmingham, and London recognize the fact by coming to Wales for their water supply.

"The continuance of these demands upon the resources of Wales will obviously raise an economic question of very great importance. We do not affect (the Commissioners say) to pass any judgment upon the matter, but we think it right to point out that the permanent diversion from the Welsh districts of water may create a hindrance to the further development of Glamorganshire and Monmouthshire, and seriously affect the bulk of the population in those counties, even supposing that adequate compensation is given for present vested interests of every kind and degree" (p. 180).

River system.

The resources of Wales in this respect are further dealt with in Chapter 4, which gives a concise account of the river system of the Principality—this being also illustrated by means of a map showing the catchment areas of all the Welsh rivers. The total mileage of the coast at high water mark amounts to 614 miles, and at low water mark 610. Next follows an important table and map showing the distribution of the surface of Wales according to altitude, from which it is to be seen that nearly 60 per cent. of the total area of Wales is more than 500 feet above sea level, while less than 10 per cent. is below 100 feet high.

Altitude of surface.

As these data had never been previously ascertained we reproduce here the summary table which shows the exact proportions of the various groups of areas:—

Altitude.	Area of Contours.		Proportion per Cent. of each Group of Areas.
	Acres.	Square Miles.	
From 0 to 50 feet -	249,269	389·4	4·9
,, 50 ,, 100 ,, -	183,440	286·7	3·6
,, 100 ,, 500 ,, -	1,665,023	2,601·5	32.5
,, 500 ,, 1,000 ,, -	1,638,859	2,560·4	31·9
,, 1,000 ,, 1,500 ,, -	1,029,198	1,608·2	20·1
,, 1,500 ,, 2,000 ,, -	309,576	483·6	6·04
,, 2,000 and upwards -	47,885	74·7	.9
Total - -	5,123,250	8,004·5	100

Fauna and Flora.

Chapter 5 deals with the "Biological Conditions"—in other words with the Fauna and Flora, of the Country. The information here given which occupies 13 pages (30—43) is based partly on such well known authorities as George Owen the historian of Pembrokeshire and Thomas Pennant the naturalist, and partly on the coutributions of various correspondents who privately communicated to the Commission the results of their own observations. The latter relate exclusively to North Wales, and a list of the rarer birds of North

Wales supplied by Mr. T. Ruddy, of Llandderfel, near Bala, deserves special mention.

Fish and Fisheries.

Under the head "Fish," it is observed that Wales has been endowed by nature with every advantage as regards the breeding and catching of fish. It has numerous rapid and small rivers, containing excellent spawning grounds for salmon—streams and lakes adapted for trout; nowhere can better pools be found than on the Dovey or the Dee. But, alas! something is apparently amiss: "the salmon seem reluctant to take the most insinuating fly, and with the exception of the Wye, the Severn and the mouth of the Dee, the net-takes in Wales are not great. Possibly some alteration in the netting regulations, allowing the fish more opportunity to get up the rivers together with careful attention to stop pollution, might in course of time give better results." Private enterprise is doing something in this respect, for it is mentioned that Sir Henry B. Robertson of Palé, Llandderfel "has turned very many thousands of salmon and trout into the river Dee and still continues to do so."

The sea-fishing of Wales is apparently in a still more unsatisfactory state. From the extent of its sea board, which as mentioned above amounts to over 600 miles—"one would imagine that this would be a source of profit, but as an industry it seems spasmodic and local. In North Wales, a few fishing smacks put out for the mackerel and herring when they are supposed to be in the bays. Local markets are supplied, but no trade exists with the interior. Much the same may also be said of South Wales."

The industrial development of Glamorgan and Monmouth.

This, perhaps, is the most convenient place to refer to the "Observations on the General Economic Position of Wales," which forms Chapter 14 of this part of the Report. The "most noteworthy generalisation" which is made in comparing the economic position of Wales at present with what it was 100 years ago is that the extraordinary increase which has occurred during that time in the population, and the wealth of the counties of Glamorgan and Monmouth "has had a most important effect on nearly the whole of the thirteen counties. The demand for labour which it necessarily involved has led to a great immigration from the agricultural districts of Wales to the centres of industry in Glamorganshire and Monmouthshire, and at the same time to a corresponding immigration from other parts of the country. It might have been expected that in the Rhondda Valley, which is practically entirely given up to the coal industry, a cosmopolitan population, possessing no particular characteristics of a racial kind, might have been found. That is

not the case ; speaking broadly, the characteristics of Welsh life, its Nonconformist development, the habitual use of the Welsh language, and the prevalence of a Welsh type of character, are as marked as in the rural districts of Wales" (p. 176).

No attempt is made to give a continuous history of the various industries, but a few salient facts are mentioned, of which the following are the chief:—

On the authority of Mr. Forster Brown, it is estimated that the South Wales Coalfield measures approximately 1,000 square miles, more than half of which lies in Glamorganshire. There are now in that area nearly 600 collieries, and the coal raised in 1894 exceeded 36½ million tons, of which about 22 million tons were shipped from South Wales ports.

As to the tin-plate industry, it is said that of all the tin-plates manufactured in the United Kingdom, by far the greater part are made in South Wales—the total value exported from the Kingdom in 1894 being stated as £4,262,383. The abundance of good pure water and of cheap fuel have in the past greatly aided the development of these industries in South Wales, but the present outlook is described as gloomy, reference being made to the evidence given as to those out of employment before the "Unemployed" Committee of the House of Commons.

The iron and steel industry is also said to be now "at a very low ebb, because of the extremely low price of tin-plates and foreign competition in the manufacture of rails," the result being that "several of the South Wales steel works have ceased manufacturing because no margin of profit exists."

Lead-mining is, at present prices, a non-paying industry, while as to gold-mining, Mr. Pritchard Morgan, M.P., is said to have stated that gold clearly exists in paying quantities, but he complained of the high royalty demanded by the Crown—a question which was however fully investigated by the Mining Royalties Commission in 1889-1893.

The manufacture of woollen goods, it is observed, is carried on "at many places," Newtown being specially mentioned.

Among the results of the great industrial development of the country are mentioned :—

(1) An immense increase in the size and population of the towns, *e.g.*, Newport, Cardiff and Swansea; and the continual enlargement of the towns and villages at the sea-side, and at some inland places (*e.g.*, Llandrindod) as health and holiday resorts. "It will be manifest (it is said) that this development has an important bearing upon the value of Welsh

estates and on the position and prospects of farmers in the immediate vicinity of these pleasure resorts."

(2) "Another consequence of the same movement has been a great change in the ratio of the agricultural population to the total population, or to those engaged in other industries. The ratio is lowest in Glamorganshire, and next lowest in Monmouthshire, namely, 1·28 and 2·99 per cent. respectively, while it is highest in Montgomeryshire in North Wales, 15·4 per cent., and in Radnorshire in South Wales, 18·6, while for the whole of Wales it is 5·64 per cent."

This leads us to consider the statistics as to the population of the country—a subject exhaustively dealt with in chapter 6 (pages 44—65), part only of which we shall summarise here.

Population statistics summarised.

It is stated that according to the Hearth Book of 1690—that being the last year when the hearth money was collected—the number of separate houses in Wales (omitting Monmouthshire) was stated as 77,921, and assigning, on a general average, five persons to each household, the total population at that time has been estimated at 389,605—or, speaking broadly, about one-thirteenth of the estimated population of England. The first systematic enumeration of the country was, however, made in 1801, when the numbers for the 12 counties were 541,677 persons, or a little over one-fifteenth of the population of England; or, including Monmouthshire, 587,245, that is, about one-fourteenth of that of England.

The progress of the population of Wales subsequent to that date can be best illustrated by means of the table printed on the next page.

Some causes of rural depopulation.

The significance of these statistics will be dealt with later on, but some of the causes which resulted in the decrease of the rural population towards the close of the first half of this century may be referred to here.

Foremost is placed the decay of many local industries which 60 or 70 years ago were carried on in the towns and villages, or even in the scattered homes of rural Wales.

"Thus, hats were largely made at Carmarthen and Monmouth; boots at Narberth, Haverfordwest, and Lampeter, and stockings, knitted gloves and caps (called Welsh wigs) at Bala; Amlwch had its tobacco manufactories, and Llanerchymedd was famous for snuff and boots. Most famous of all was Swansea for its porcelain and china, an industry which was also carried on at Nantgarw, in another part of the county of Glamorgan. The town of Holywell was remarkable for activity in various manufactures, there being, in 1831, 256 males, upwards of 20 years of age, employed in the manufacture of silk and cotton goods, in making paper, and manufacturing iron, copper, brass, and lead. Mold, at the same time, had 230 men employed in the cotton manufacture. In Monmouthshire the inhabitants of the parish of Shire Newton largely depended on woodcutting and hoop-making, while the manufacture of japanned tin (known as Pontypool ware)

TABLE SHOWING THE POPULATION OF WALES IN 1801, 1841 & 1891.

Counties.	Area in Statute Acres.	POPULATION. 1801	1841	1891	PERCENTAGE OF (+) INCREASE (—) OR DECREASE 1801—41	1841—91	1801—91
Anglesey - -	175,836	33,806	50,891	50,098	+ 44	— 1·5	+ 48·2
Carnarvon - -	361,097	41,521	81,093	118,204	+ 73	+ 45·8	+184·7
Denbigh - -	423,477	60,299	88,478	117,872	+ 41	+ 33·2	+ 95·4
Flint - - -	164,050	39,469	66,919	77,277	+ 55	+ 15·3	+ 95·8
Merioneth - -	427,810	29,506	39,332	49,212	+ 30	+ 25·1	+ 66·8
Montgomery -	510,111	48,184	69,607	58,003	+ 37	— 16.7	+ 20·4
NORTH WALES -	2,062,381	252,785	396,320	470,666	+ 57	+ 18·8	+ 86·2
Brecon - -	475,224	32,325	55,603	57,031	+ 62	+ 2·6	+ 76·4
Cardigan - -	440,630	42,956	68,766	62,630	+ 49	— 8·9	+ 45·8
Carmarthen - -	587,816	67,317	16,326	130,566	+ 50	+ 22·8	+ 93·1
Pembroke - -	395,151	56,280	88,044	89,133	+ 47	+ 1·2	+ 58·4
Radnor - -	301,164	19,135	25,458	21,791	+ 28	— 14·4	+ 13·9
	2,199,985	218,013	344,197	361,151	+ 12	+ 4·9	+ 60·6
Glamorgan - -	516,959	70,879	171,188	687,218	+ 97	+301.4	+869·5
SOUTH WALES -	2,716,944	288,892	515,385	1,048,369	+ 44	+103·4	+262·9
Monmouth - -	341,688	45,568	134,368	252,416	+124	+ 87·9	+453·9
WALES AND MONMOUTHSHIRE	5,121,013	587,245	1,046,073	1,771,451	+ 60	+ 69·3	+201·7

was carried on at Pontypool and Usk. These and many other industries that were associated with different towns and localities have either entirely disappeared or have fallen into a moribund condition. While these and like industries were carried on in the towns the small farmers and cottagers of the country—both male and female—supplemented their agricultural work by the domestic occupation of spinning. The woollen yarn thus produced further provided employment to a large number of weavers, who were sometimes permanently engaged and employed by a farmer in the same manner as an ordinary labourer would. A weaving room was frequently one of the features of a well-equipped farmhouse in many a district."

The extent of the woollen industry can best be realised by stating that the number of males, upwards of 20 years of age, who in 1831, were described in the Census Returns as "engaged in weaving woollen yarn produced by domestic industry" in all parts of Wales amounted to nearly 3,000, but the Report also mentions the fact "the number of female weavers in Wales was also very large, probably not far short of the total of male weavers," though no statistics concerning them are given.

The decay of such local industries was however part of a general change experienced everywhere, namely, the substitution of organised, and centralised operations for the unorganised and sporadic industries of the country.

In addition to this however, it is pointed out that the great development of the mineral and kindred industries of South Wales, coupled with the facilities for travelling, furnished by the then fast-spreading railway system, inevitably resulted in the "drawing of a large proportion of the population of the country districts to those localities where industrial employment was more abundant, wages higher, and life generally fuller of excitement than in districts where agricultural pursuits predominated." (p. 46).

2.—HISTORICAL SKETCH OF THE WELSH PEOPLE, THEIR LANGUAGE AND INSTITUTIONS.

After their account of the physical features, civil divisions and natural productions of the country, the Commissioners pass on to discuss historically the origin of the present inhabitants of Wales, the languages they speak, and the institutions which form their environment.

The Welsh people, "an amalgam of races"

Chapter 6 (pp. 65-78) states "what comparative philology and ethnology have to say as to the races of Ancient Britain, to be found in what is now Wales and what admixture has taken place there in later times." This chapter is illustrated by (1) a specially prepared map of the British Isles (including a portion of the North of France) as they were in the first century, and (2) a drawing showing the older Ogam characters or alphabet as found in the most ancient inscriptions. The reasoning in this chapter being necessarily of a technical character, we shall content ourselves with simply giving two or three of the chief conclusions arrived at.

Racially, the Welsh people by no means appear to be a pure unmixed race, any more than the English people are generally acknowledged to be. In fact the people of Wales are described as "an amalgam of races," consisting of—(1) the Non-Aryan or Aboriginal population; (2) the Celtic or Aryan immigrants including both Goidels and Brythons; (3) Scandinavians who settled along the coasts; (4) the so-called Flemish colonists (whom the Commissioners are inclined to pronounce as not Flemings at all) in South Pembrokeshire and Gower; (5) Norman settlers in the Marches, and particularly in South Glamorgan; (6) "lastly Wales, situated as it is, between England and Ireland, has always received additions to its population from both countries." But far more startling than all this, is the statement that the Welsh of the present day (whatever these admixtures may be) are *on the whole* not Aryan and are therefore *not Celts*, but are the descendants of the people—probably Picts—who inhabited this island before the arrival of the Celts. Among the descendants of these aboriginal inhabitants, the Celts proper form a mere sprinkling, and are to be sought among the ruling class—in other words, the gentry of the country. As to the two Celtic branches, the Goidels and Brythons, it is stated—

The vast majority being probably "not Celtic, not Aryan."

"Conquests there must have been, but the study of the languages in point goes to prove more, namely, intermixture:

the Brythons mixed with the Goidels,* who were themselves an amalgam of the first Celtic settlers with the Aborigines; but all conscious distinction of race had probably been obliterated before the eleventh century. "The admixture of other blood—Scandinavian, Norman, Flemish, and English—has not greatly modified the race, the predominant element in which has probably always been the substratum contributed by the earliest lords of the soil of these islands. . .

"Consequently, if a competent ethnologist were to be sent round Wales to identify the individual men and women who seemed to approach what he should consider the Aryan type, his report would probably go to show, that he found comparatively few such people, and that those few belonged chiefly to the old families of the landowning class: the vast majority he could only label as probably not Celtic, not Aryan. To pronounce, from the point of view of race and history, on the social, political, or religious proclivities of that majority is rendered difficult by the difficulty of estimating correctly the influence on Wales of movements originated or developed in England. There is, however, one instructive instance: the Welsh people have largely deserted the Established Church, and they have done so in favour of more democratic forms of religion, just as their kinsmen have done in Cornwall and the Highlands of Scotland. Herein the Welsh can hardly be said to have been merely following the example of England, as England cannot be considered to have given a decisive lead in the matter. Religion, however, is not the only domain in which the tendency of the Welsh is democratic: it holds good of their attitude, on the whole, as regards social and political questions. And this cannot fail to be rendered more and more conspicuous by all movements calculated to weaken the attachment of the many for the class which supplied them with leaders in the past" (p. 77).

But though the Welsh are thus described as an "amalgam of races," the Commissioners do not appear to have any doubt as to their being a nation:—"They possess marked and distinctive characteristics which separate them

But are a distinct nation.

* It is right to point out that the Commissioners' theory of the intermixture of Goidels with the Brythons, upon which, after all, the whole argument practically hinges, is not by any means generally accepted by writers on Celtic ethnology—Professor Rhys, being, perhaps, the only writer of note who puts it forward. The more generally accepted view is that the Goidels, with whatever admixture of the Aboriginal Non-Celtic races they had absorbed, were swept out of Wales by the Brythonic Wave of immigration, so that whatever Goidelic element is now found among the Welsh people is chiefly due to their re-immigration from Ireland and the North at a later date.—D.Ll.T.

from the remainder of the people of the United Kingdom. They cherish an ancient language, they possess a valuable literature, they are imbued with traditions of an honourable past, and they have aspirations which, while in no sense inconsistent with the union of all parts of Your Majesty's dominions in an Imperial State, are at the same time in many respects national in the highest and best sense of the term." (p. 12.)

And their language is Celtic and Aryan.

Moreover if the Welsh people be not Celtic or even Aryan, their language is both, being in fact the lineal descendant of the Brythonic tongue of the Ordovices. In Chapter 8, (pages 78—97) the history of the language is divided into the following periods :

(1) The Old-Welsh period, chiefly prae-literary, among the survivals of which are (*a*) the proper names of men and places mentioned in classical works, (*b*) the earliest Glosses, and (*c*) the boundaries in the *Liber Landavensis*.

(2) Mediaeval Welsh, extending from the 12th century to the Reformation—the Welsh laws and the "ancient books of Wales" containing the best known specimens.

(3) With the Reformation began another period, of which the Welsh version of the Bible is the best specimen, but "the language reached its lowest depths of neglect towards the close of the 17th century."

(4) "The actual or current period of Welsh may conveniently be regarded as opening with the establishment in Wales about 1785 of the Sunday School," an Institution which has many features differentiating it from the English Sunday School.

The epochs when Welsh literature flourished most vigorously were (*a*) the couple of centuries preceding the conquest by Edward I; (*b*) the early part of the Tudor dynasty; and (*c*) the latter half of the 19th century, which has witnessed an awakening of interest in all things Welsh, and the growth of "an antagonism to the philistine wish to see all parts of the United Kingdom reduced to uniformity, worked out on the level of the most characteristically Saxon parts of England," (p. 82). The fortunes of the Eisteddfod have fluctuated along with those of the language—its history down to the end of the 16th century is sketched, followed by an account of its revival and reform in the present century. The antiquity of the Gorsedd is, however, not discussed.

The Eisteddfod and its uses.

The Eisteddfod itself is described as "a sort of literary parliament for Wales" :—

"Its platform is the most neutral ground one has in the

Principality, and if the landed proprietors had more generally been accustomed to take advantage, especially of the humbler Eisteddfods and literary meetings, to assist and encourage the people in the development of their own ideas of culture, it would have gone a long way to meet the complaint that they keep themselves aloof and show little or no interest in the pursuits and ambitions of those around them. Economically speaking, the men of whom their dependents complain most loudly on the score of their alleged aloofness, are frequently and readily admitted to be most generous as regards the material welfare of their people. They may be ever ready to give prizes for the best ploughing, and they may spend lavishly on the improvements of the breeds of horses or cattle on their estates, all excellent objects so far as they go. The Welsh character has a point of greater sensitiveness than even the pocket; but the landowner who has never taken part in a small Eisteddfod or literary meeting among his people has in all probability never discovered it." (p. 86.)

As to variations in the boundaries of spoken Welsh, it is pointed out that *in former years* the Midland dialects of English invaded the borders of Denbighshire and Flintshire, and Southern English into Mid-Wales, but "no English dialect seems any longer to possess the secret of spreading itself into Wales. Welsh has nothing to fear, so to say, at the frontier, but rather from innumerable points within its boundaries; from the towns as the centres of commercial life, from her pleasant watering places crowded with English visitors and from the public elementary schools in every parish in the land. . . As a rule, however, the children in the country districts leave school before they have so far mastered English as to be able to make a free and comfortable use of it in conversation. Only a very small minority of them become really bilingual, as proved by their habitual use of Welsh for all purposes, domestic, social, and religious. At most, they retain perhaps enough of the English learnt at school to be able to answer simple questions addressed to them in very plain terms. That they should shrink from giving evidence in English in courts of law is perfectly natural, as any Englishman possessed of a moderate acquaintance with French would at once comprehend, if he were called upon to undergo a cross-examination in that language. (p. 89.)

Linguistic census of Wales.

The Census Returns for 1891 furnish for the first time a record of the number of persons in Wales speaking Welsh only, English only, or both English and Welsh. Though doubts have been cast on the accuracy of these figures, the Commissioners (p. 95) accept them as substantially correct. The total of 1,776,405 persons then enumerated in Wales and Monmouthshire were classified as follows:—Speaking English only, 759,416; speaking Welsh only, 508,036; speaking English and Welsh (*i.e.* bilinguals), 402,253; speaking foreign languages, 3,076; no information (over two years), 12,833; infants under two years, 90,791. Thus of the total population who spoke one or other or both of the

two languages, 1,161,669 could speak English, while 910,289 could speak Welsh. The total number of those who could speak Welsh, however, outnumbered those who could not, for while the latter numbered 759,416, the former amounted to 910,289.

Recommendation as to its extension.

Returns as to the language spoken were published for registration districts only, but owing to the artificial nature of these areas it is recommended, that in future censuses, both the civil parish and the ancient county should be adopted as additional units for which linguistic statistics should be stated in the published returns. Grouping together various registration counties so as to give the results of the census for large areas of Wales, the following table is given :—

AREAS.	Proportion per cent. to Total whose Spoken Language was stated, of Persons speaking			Ratio of Total Number of Persons able to speak Welsh to Total *not* able to speak Welsh.	
	English only	Welsh only.	Both E'glish and Welsh.	Welsh.	Non-Welsh.
Six Northern Counties -	23·6	49·5	26·9	76·3	23·7
Five Western Counties (excluding Pembrokeshire)	8·3	66·8	24·9	90·9	9·03
Six Western Counties (including Pembrokeshire)	17·7	59·1	23·2	82·2	17·8
Six Eastern Counties -	49·1	22·8	28·0	50·7	49·2
Do. and Monmouthshire	56·8	18·7	24·4	43·1	56·9
Six Southern Counties -	44·8	29·1	26·1	55·1	44·9
Do. and Monmouthshire	53·0	23·9	23·1	46·8	53·1
Wales - - -	38·3	35·3	26·4	61·5	38·5
Wales and Monmouthshire	45·5	30·4	24·1	54·4	45·6

The ultimate result of these statistics is, that the total population whose spoken language is recorded, 54·4 per cent. were returned as able to speak Welsh, and 45·6 per cent. as unable to do so.

Estimates as to the proportion of Welsh to English speaking persons in 1801, 1841, and 1871, made by Mr. T. Darlington, the late Sir Thomas Phillips, and Mr. Ravenstein respectively are then given, the results being shown in the following table :—

—	1801.		1841.		1871.		1891.	
	Persons.	Per-centage	Persons.	Per-cent-age.	Persons.	Per-centage	Persons.	Per-centage
Welsh -	(About) 470,000	20	700,000	67	1,006,100	66·2	910,289	54·4
English (only)	100,000 to 120,000	80	346,000	33	406,500	33·8	759,416	45·6
Total enumerated Popuation.	587,245	100	1,046,073	100	1,412,583	100	1,669,705*	100

* This is the total for *registration*, Wales and Monmouthshire omitting infants (*a*) under two years, (*b*) adults who spoke neither Welsh nor English, and (*c*) those who made no statement as to their language.

The extent of Welsh literature reviewed.

Assuming the first estimates to be substantially correct the result of this table may be stated thus:—The whole population of Wales has trebled during the 90 years from 1801 to 1891; the Welsh-speaking population has rather more than doubled in that time; but the purely English population has increased nearly sevenfold.

In a separate section of this chapter (pp. 89—94) there is given a "Statistical analysis of Welsh bibliography during the last four centuries"—in other words, an estimate of the number of books, written in Welsh or relating to Wales, published during each period of 20 years from 1546 to 1896. An increase is shown to have occurred in the number of Welsh books over each preceding period of comparison, and it is observed that "Welsh seems to be far more read and studied now than perhaps at any time in the past." The publishing trade of Wales is described as unorganised: there is no central emporium for Welsh publications. The Commissioners experienced very great difficulty in obtaining definite information as to Welsh books, and they strongly recommend the establishment by Government of a National Library and Museum in Wales to do what the British Museum, through no fault of its own, is wholly incapable of doing, viz., the collection and preservation of the scattered productions of the Welsh Press, and of collections illustrating the natural productions and the industries of the country. With reference to the principal MSS. relating to Wales, now collected at the Record Office, it is elsewhere (p. 9) observed that "small, if any, progress has been made with the work of cataloguing and arranging them," and it is urged that steps be forthwith taken to that end. The Commissioners "were also greatly impressed with the inadequacy of the present means for bringing to the knowledge of the Welsh-speaking rural population the provisions of Acts of Parliament passed for their especial benefit, and the work done by the various Government departments, with the direct object of improving their condition, or of facilitating them in the pursuit of agriculture." The prevailing ignorance as to the provisions of the Agricultural Holdings Acts and the Ground Game Act is cited in illustration. To remedy these defects it is recommended:—

Need of a National Museum in Wales.

And various recommendations.

(1) That every local post office be a depôt for the sale of Acts of Parliament and government publications generally.

(2) That there should be a duly constituted representative of Her Majesty Stationery Office in Wales.

(3) That all Acts of Parliament directly affecting the rural districts of Wales be translated into Welsh either *in extenso*, or in the form of a concise and plain summary.

(4) That the leaflets, &c., of the Board of Agriculture be similarly translated, and that a Welsh edition of the *Journal of the Board of Agriculture* be issued periodically.

It is pointed out that there are precedents in plenty for the utilisation of the Welsh language in this way: Abstracts of the Mines' Regulation Acts, and the Factory and Workshops' Acts have been thus translated; in other cases the Acts themselves have thus been dealt with:—

"But not one Act that directly affects the agricultural community as such—from the Ground Game Act and the Agricultural Holdings Acts to the Allotments Acts and the Fertilizers and Feeding Stuffs Act—has been officially translated into Welsh, either in its entirety or in the form of a popular summary. Nor does it appear that an official translation has at any time been issued of a single leaflet out of the very considerable literature published by the Board of Agriculture in the service of the agricultural interests of this country. The practical suggestions, the timely advice or warning, and the valuable information about the agricultural methods of other countries which are contained in the publications of the Board, reach and influence but an infinitesimal fraction of Welsh agriculturalists, owing to the fact that no translations of these leaflets and other publications are ever issued. The evil is to some extent aggravated by the further fact that few, if any, of the Inspectors of the Board who travel in Wales possess any knowledge of the Welsh language. This non-utilisation of Welsh as a medium for reaching the cultivators of the soil is all the more regrettable inasmuch as there is no exclusively agricultural newspaper or magazine issued in the Welsh language, and consequently the ordinary farmer, whose reading is confined to his own language, is not able to inform himself as to points concerning which his English brother receives gratuitous advice from the State."

Chapter 9 (pp. 97-104) briefly deals with the "Ecclesiastical and Religious Conditions" existing in Wales.

Great religious cleavage between landlords and tenants.

"The immense majority of the tenant farmers in the country districts are Nonconformists, and a state of things in regard to religion is disclosed that finds no parallel in any part of England of equal area. . . . "On the most typical estates in Wales, the landlord and his family belong to the Established Church, while the bulk of the tenants belong to one or other of the Nonconformist organisations. We are not aware whether in any English county a similar state of things is to be found, but there can be little doubt that this remarkable fact has had a

powerful influence in creating a marked divergence between the opinions of the landowning class and the mass of the people, in enlarging the social difference between class and class which to some extent would have existed in any case, and in emphasizing the opposing interests of landlord and tenant."

A sketch is given of the ecclesiastical and religious movements of the country, concluding with an account of the origin and progress of Nonconformity. The most noticeable feature here is that the movement is regarded not as a religious revival only, but as being in reality "the new birth of a people"—the Welsh Renaissance. It is shown how the national upheaval whose first manifestation was a revival in religion had for its results the preservation of the Welsh language, and more general and greater literary activity,— how it stimulated a demand for education, improved the moral tone of the people, and in the end tended to the improvement of the Church itself.

The chapter on "Welsh Education" (c. 10, pp. 104—111) continues the account of this renaissance, and brings it down to the installation at Aberystwyth on the 26th June, 1896, of the Prince of Wales as Chancellor of the University of Wales. The story of the manner in which the educational system of Wales has been established is at present too well known to require reproduction here, but it is none the less important that it should have been placed on record in the pages of the Report, so that in time to come it may be read by those who will reap the full advantages aimed at and struggled for by their predecessors.

Political assimilation of Wales to England.

"The Legal and Constitutional History of Wales" forms the subject of Chapter 11 (pp. 111—133); in it are outlined the principal stages in the political assimilation of Wales to the rest of the country.

After dealing briefly with the history of Celtic-Britain down to the Anglo-Saxon Conquest, the subsequent history of Wales is divided into the following epochs :—

First.—From the death of Cadwaladr (who was the last king of the Cymry to wear the "Crown of Britain") to the Norman Conquest of England (688—1066).

Second.—From that Norman Conquest to the conquest and settlement of North Wales by Edward I. (1066-1301).

Third.—From the settlement of Wales by Edward I. down to the complete incorporation of Wales into the English organisation, in the reign of Henry VIII. (1301—1543).

Fourth.—From the time of Henry VIII. onwards (1543——).

The chief authorities for the history here given are the following:—

For the first period—the Ancient Laws of Wales, as found in the codes of Howel Dda and in other forms, with treatises thereon.

Second.—Professor Freeman's well-known works on the Norman Conquest and William Rufus, an account of the Lords Marchers in Clive's Ludlow, and for the latter part, the so-called Statute of Rhuddlan, a summary of which is given.

Third.—The Statutes, 27 Henry VIII., c. 26 (commonly known as the Act of Union), and 34 and 35 Henry VIII., c. 26, in pursuance of which "the arrangements for the legislative and executive government of Wales were practically assimilated to those of the English counties and an improved judicial system introduced." The more important sections of these Statutes are reproduced in the Report, while they are printed in full—for the convenience of Welsh students to whom they have hitherto been inaccessible—in the Appendix.

Subsequent to the Tudor legislation, but little has occurred of much importance, special to Wales alone, in regard to its constitutional relations with England, the chief events being the dissolution in 1688 of the court of the president and council of Wales, and the amalgamation in 1830 of the previously existing judicial system of Wales with that of England—the separate Welsh Sessions being then abolished.

Influence of "lordship marchers."

The most salient feature of this chapter is its insistence on the effect produced on the Welsh people, their institutions, and also on their tenures by the system of "lordship marchers:" "By the middle of the 13th century nearly the whole of what is now Wales, except the counties of Anglesea, Carnarvon, part of Denbighshire, and Merionethshire—the area roughly corresponding to the ancient kingdom of Gwynedd—had passed into the hands of the Norman-English king or Norman lords, who came to be described by lawyers as "lords marchers," who were feudal vassals of the king of England, but who exercised in their respective lordships practically supreme power." But no "lordship-marcher without a castle" was a recognized maxim, hence the prevalence of castles in Wales—"reminding us how long warfare remained the daily business, alike of the men in that land and of the strangers who had made their way into it at the sword's point."

For a long time, the dispossessed *Arglwydd* or lord maintained the legal theory that he was *de jure* the lord of

the conquered territory, and kept up his old tribal and customary rights, a course in which he was of course supported by the vast majority of the cultivators of the soil. Later, the leaders of the two races especially in particular districts began to accept the inevitable and to intermarry, but "it must not be assumed that, speaking broadly, there was any such *rapprochement* among the lower orders (till long after the 13th century). The small Welsh tenants, the servile occupiers of the land, the Welsh bards, and the Welsh-speaking clergy, continued to entertain racial prejudices and to advance national claims, quite regardless of the interest and intrigues of the princely families." "It was really the accession of the Welsh dynasty of the Tudors to the throne, and the legislation of Henry VIII. that made really possible the complete assimilation of these classes and conferred on Wales generally the blessings and advantages of peaceful life and civilised government."

The transition from the tribal system to the present conditions of ownership and land tenure.

It is in chapter 12 (pp. 133-149), which is entitled "History of Land Tenure in Wales," that the Commissioners first directly broach the question of tenure in their Report. It is, perhaps, not to much to say that in the whole of Part I, this is the chapter that possesses the greatest permanent value, and its importance as a contribution to the history of Welsh tenures cannot be easily exaggerated.* It contains the best explanation which has hitherto been given of those facts in Welsh economic history, which, commencing with the general prevalence throughout the greater part of Wales of the tribal system, have resulted in the present conditions of ownership and tenure—that is practically in a system of yearly tenancies. An account of the ancient tribal system of Wales, and its result upon the occupation of land, is first given in as lucid a manner as the subject admits. The main point to be noticed in this connection is "the fact that the tribal unit of occupation of land was the kindred or family group and not the individual. The rights, moreover, of the family group were vested in its patriarchal head, and during the lifetime of this head of the group, all the subordinate members of it, down to great-grandchildren or second cousins, instead of being joint tenants of the family rights as regards land, had apparently only tribal rights of maintenance. They were regarded, not as in the modern sense joint owners with

* Another important contribution to the history of the period of transition, from tribal to modern tenures in Wales, is a "Report on some unpublished Records relating to Land Tenure in South Wales," by Mr. Edward Owen. It is published in Vol. v., pp. 643-677, and was intended to supplement evidence that he had previously given before the Commission (*See* Vol. v., 382).

equal shares in the land, but rather as the sons and grandsons of a patriarchal family under the patriarchal rule of its head. Thus tribal society was in no true sense a republic or democracy in the modern sense of the term, but rather an aristocratic group of families organised on a patriarchal basis." But after the conquest of Wales and the subsequent union of the Principality with England in the reign of Henry VIII., the process of assimilating Welsh to English tenures commenced. Primogeniture was substituted for gavelkind (or the equal division of land between heirs) by Act of Parliament, but that in itself made at first but a small impression, and accordingly "it fell upon the Crown lawyers of Queen Elizabeth, for the most part, to disentangle the knotty questions which, after 300 years of silent decay, the tribal system had left behind it, and to bring the various classes of Welsh tenants within some category of English law."

Effected, *temp.* Elizabeth, by assimilating Welsh to English tenures.

The manner in which the problem appears to have been solved was as follows:—"Broadly speaking, the rights of the free tribesmen were respected, and they or their successors in title still remain freeholders, paying the old and now trivial quit rents" (p. 139).

So far as the non-tribesmen (or *nativi*) were concerned, the problem was solved by granting them renewable leases instead of the vague, complicated and (to the English lawyer) unintelligible tenures which were the result of the tribal system. As to the question whether this worked an injustice to the Welsh occupiers, by depressing their status, the Report guardedly says that these settlements "were apparently, in intention at least on the whole, fair attempts to deal with the difficult circumstances of the ancient Welsh tenures." But for some reason or other, these substituted leases ceased to be renewable, and if at all, it was here the injustice came in. But, it is pointed out (p. 147), "renewable leases disappeared in England as they did in Wales. Whether there was some legal flaw in the creation of leases with perpetual right of renewal, or whether the right of renewal once exercised was held to be exhausted, or whether the renewals ceased to be sought for by the tenants, or how much economic causes had to do with it, it is not easy to ascertain. One thing, however, seems to be clear. The fines on renewal in the absence of express limit by the custom of the particular manor were, it would seem, held by the courts to be *uncertain*, and owing to the rise in prices and in the value of land, the uncertainty might easily lead to prohibitive increase in their amount. Whatever hardship resulted from this, English and Welsh tenants shared it together." But whatever happened, there

is not, in the Commissioners' opinion, "any reasonable ground for importing into modern economic problems (the foregoing) historical considerations which have been long superseded or rendered inoperative by the economic changes of the past 3 centuries" (p. 149). Here then is the boundary line apparently drawn between what is mainly of historical or academic interest and what is of real practical importance in connection with the existing problems of land tenure in Wales. We leave, therefore, to another chapter the account which the Commissioners give of the more modern aspects of the question, as well as their summary of the chief results of this historical survey.

CHAPTER III.

HISTORY OF THE WELSH LAND QUESTION (1755–1892).

In the penultimate Chapter of Part I. (c. 13, pp. 149—176) the Commissioners pass on from what has been described as "the general conditions and circumstances" of the country to discuss the gradual growth, during the last 100 years and more, of "the modern 'land question' using that term in its popularly accepted political sense as denoting vaguely the numerous problems connected with the ownership, occupation and cultivation of the soil."

The materials on which this Chapter is largely based are given at greater length in Appendices A. B and C, the contents of which have been outlined above. but in addition to this, nearly every statement is supported by authorities which are quoted at the foot of the page, but which we shall for the most part omit.

Chief periods this history.

Unless we go back at least a hundred years, it is impossible (according to the view put forward in this Chapter) to rightly understand the causes that are at the root of the Welsh land question.

During that time, Agriculture has passed through alternate periods of depression and prosperity. In this respect, the vicissitudes of the industry have probably been similar alike in Wales and in England. But each fluctuation has produced, in Wales, some corresponding change in the relation between landlord and tenant—changes which, broadly speaking, were probably not paralleled in England. In other words, each period, whether of prosperity or depression, corresponds to a clearly-marked stage in the growth of the land question. These stages are not explicitly defined in the Report, but for the sake of clearness we shall attempt to supply the omission by a division of our own, based entirely, however, on the Commissioners' treatment of the subject. The history of the land question in Wales, as given by them, appears therefore to be divisible into the following four periods:—

1. The Period of Feverish Development, Inflated Prices, and Artificial Prosperity (1755-1815).

2. The Agricultural Collapse (1815-1850), resulting in—
   - (*a*) General Distress.
   - (*b*) Disappearance of the Older Yeomen.
   - (*c*) The substitution of Yearly for Leasehold Tenancies.
   - (*d*) Agrarian Disturbances.
   - (*e*) The Depopulation of the Rural Districts.
3. Agricultural Prosperity (1850-1880), resulting in—
   - (*a*) The Growth of a Spirit of Independence among the Tenantry.
   - (*b*) Political Evictions.
4. Agricultural Depression (from 1880 onwards), resulting in—
   - (*a*) The Anti-Tithe Agitation.
   - (*b*) The Organisation of the Demand for Land Reform.

1.—THE PERIOD OF FEVERISH DEVELOPMENT, INFLATED PRICES, AND ARTIFICIAL PROSPERITY (1755-1815.

All modern progress in farming dates from 1755.

The starting-point for all modern improvement in the methods of British farming is generally fixed at about 1760, but to be on the safe side we shall fix it at 1755, which is the date of the establishment of the first Agricultural Society in Wales, that of Brecknockshire, which was also, we believe, the second in point of time in the whole kingdom. From that year down to 1815 extended a period of progress previously unparalleled, and subsequently unsurpassed, in the history of British agriculture. The progress was undoubtedly slower and, excepting Brecknockshire and some similar border districts, much later in Wales than in England. Even as late as 1836, the occupier of a large lowland farm near Cardiff said to a Committee of the House of Commons: "We mow our hay with the same scythe and reap our corn with the same hook as we did 40 years ago; corn is also threshed by the same flail; some improvement has been effected in the plough, but none in the drag and harrow; our carts and wagons are also much the same." Still the spirit of improvement was in the air towards the close of the 18th century, and both England and Wales were similarly affected by the industrial development of the period and the prolonged wars which the country had to carry on.

What the Commissioners say of this period (p. 150) is as follows:—

"The attention of the country was directed to efforts for improving the methods of cultivation and for increasing the productiveness of the soil. The agricultural survey, which was conducted for each county of England and Wales about 1794 by the old Board of Agriculture, established the previous year, sufficiently attests the existence of a general desire, which was shared by the Government of the day, to do something for the amelioration of British farming. During this period we find that agricultural societies were established in most of the Welsh counties, the oldest being that of Brecknockshire, which dates from 1755. It was followed by the establishment of similar societies for Glamorganshire about 1770, for Cardiganshire in 1784, for Carmarthenshire and Monmouthshire some time prior to 1794, for East Denbighshire in 1796, and for the counties of Anglesey, Carnarvon, Merioneth, Radnor, and Pembroke between 1800 and 1810, leaving Flint and Montgomery as the only Welsh counties which had no such societies previous to 1810.

"This great development, strange as it may appear, had been co-incident with an acute crisis in the agricultural industry. The 14 years from the outbreak of the French Revolution to the peace of Amiens—from 1789 to 1802—formed an almost unbroken succession of bad harvests, that of 1792 was one of the worst of the series, while in 1797, so great was the dearth, that not merely were the ports thrown open to foreign corn, but large bounties were paid on its importation. The effect of the subsequent great war with Napoleon was to enrich the capitalists, whether landowner, farmer, or manufacturer, and to depress and pauperise the labourer, whose rate of wages was further kept down by the rapid increase which then occurred in the population. Wheat rose to famine prices, upland sheepwalks were ploughed up, wastes and commons were enclosed and brought under cultivation with marvellous rapidity; all these, together with the frequent recurrence of bad seasons, combined to force agriculture into a feverish and unhealthy prosperity. Land capable of any kind of cultivation acquired a wholly artificial value, and rents generally were doubled and often trebled."

The Commissioners assume that during this period of artificial prosperity there was but little if any serious friction between landlord and tenant, or, if such existed, that it attracted but little attention in the face of the high prices, which, for the time being, brought profit to both parties.

Another circumstance, indirectly alluded to, probably contributed to the same end:—

Influence of Rhymesters.

"In those days every district had its bard, and the dread of being satirised, in however doggerel a rhyme, often prevented an abuse of power by the gentry or professional men, who were then, owing to their knowledge of the Welsh language, far more amenable to such influences than at present. For example, Twm o'r Nant (1739-1810) frequently directed his unrivalled satire against land agents, lawyers, and clergymen; but he held no brief for any particular class, for he mercilessly scourged injustice and oppression wherever he came across it."

The great Welsh hymnist, "Williams Pantycelyn," is supposed to have escaped the persecution, meted out by the gentry to his co-revivalists, owing to the fact that he was a bard, while a striking illustration of the poet's function is quoted from an account of the "Old Rhymesters (*Prydyddion*) of Cwmamman and Llanguick," where, in the last century, the inhabitants "did not go to law, but their rhymesters settled all disputes and punished all offences."* Public opinion, in its own way, seems to have had a stronger deterrent influence than even at present, while the power of the modern press, so far as rural districts are concerned, appears almost small compared with that wielded by the satirists of a hundred years ago. Like the Troubadours of the 13th century, these men were dreaded for their satire, and, though in a less degree, courted for their eulogies.

Germs of disputes but no land question yet.

There was, therefore, in those days no land question in our modern sense, but that there existed "germs of future disputes" is inferred from the following list of "obstacles to agricultural improvement," given in 1809 in Davies' "Survey of North Wales:—'Non-residence of proprietors; overvaluing of land by strangers; want of mutual confidence between landlord and tenant; contested county elections.' Nor was the sense of insecurity of tenure wholly absent: the same writer says:—

"That tenants who pay full rents for their farms, and, in some instances, after having been induced by fair promises to undergo great expenses in improvements, should afterwards be forced to quit at six months' notice, without equitable reimbursements, and without any other cause than the whim of the landlord or the venom of his bailiff, are circumstances that must fill a benevolent mind with indignation."

To these are added several other quotations, to a similar effect, complaining of "high valuations" and the absence of compensation for tenants' improvements, the result of the "war prices" of this period being that "rents in general

* *See* "The Academy" for 21st December, 1895.

were much advanced," and were said to be going up about 6d. per £ per year.

2.—THE COLLAPSE AND ITS RESULTS: DISTRESS AND DISTURBANCES (1815-1850.)

In 1815, however, all this artificial prosperity came to an end; then there commenced "a prolonged period of the most acute agricultural depression, and during such a time the relation of landlord and tenant must necessarily have been put to the test of a severe strain." It was now that the lowest depths of pauperism were touched by the labourers of the country, and now, too (though a beginning had been made in the previous period), that the more substantial freeholders—the grey-coated yeomanry of Wales—were practically swept away, save for an occasional representative who survived to tell the tale of their former strength and independence. This period also witnessed the growth of tenancies from year to year, as we know them at present, and their substitution for the old leases for lives, or for terms of years under which practically all land had been previously held for several centuries in Wales. This change of tenure will, however, be dealt with, at length, in our next chapter, and we simply mention it here as belonging, in point of time, to the period now under review.

Panic and Famine.

"The distress had made itself felt throughout the principality by the opening months of the year 1816. The statements then made by correspondents from various parts of the country, in reply to inquiries instituted by the Board of Agriculture prove conclusively the reality of the agricultural depression at that time. It did not, however, reach its lowest depths in Wales until about 1817, when, owing to bad seasons and the disappointments of the crops, the country was reduced to a state of famine. The farmers were obliged to sell away their stock at any prices they could get, not only with a view to paying the rents but to get bread, and, as a result, the country was quite thin of cattle for several years afterwards. The gaols were filled with debtors, and subscriptions were set on foot among the benevolent to provide them with occasional meals; several landowners—probably many more than we have any record of—met their distressed tenants with generosity, by forgiving them their arrears, by allowing them liberal abatements, or by permanently reducing rents which had been advanced in the preceding period of high prices. So great was the actual want in Carmarthen, for instance, that in September 1818 the yeomanry cavalry had to be called out to quell the disturbances caused by the attempt of the mob to prevent the exportation of cheese. But our information as to this period is very meagre. It is true that between 1820 and 1840, numerous inquiries were made by one or other of the Houses of Parliament into the condition of the agricultural interests of the country; but, unfortunately, Welsh-speaking Wales was absolutely unrepresented at their inquiries. The only evidence relating to Wales was given by an occasional witness from the border counties, or by some English immigrant who had temporarily settled in the principality." (p. 152.)

Birth of economic and political discussions

"Welsh journalism was also in its infancy. The general discussion of political and economic questions in the Welsh magazines did not commence till about the year 1832, and no doubt the agitation in connection with the Reform Bill and the other measures then before the country contributed towards bringing these questions within the sphere of discussion. As early as 1819 the editor of *Seren Gomer* commenced to advocate a policy of free trade and the abolition of the corn laws. The Rev. Samuel Roberts, of Llanbrynmair, took up the question with great vigour in 1832, and in an essay on 'Agriculture,' published in that year, emphasised the need of free trade as a condition precedent of all substantial progress. Mr. Walter Coffin (subsequently M.P. for Cardiff) 'almost single-handed fought the battles of free trade' at a later date in Glamorganshire. In support of the same movement a conference of Welsh ministers, principally of the Independent denomination, was held at Carnarvon in August 1841" (p. 152).

The sphere of economic and political discussion appears to have been further enlarged by a series of controversies, which commenced about 1830, as to tithes and Church establishments, and the Commissioners observe that "the question of disestablishment was widely taken up in Wales many years before it attracted general notice in England. A vigorous campaign against the connection of the Church with the State was carried on from 1830 onwards. But one important religious denomination, the Calvinistic Methodists, who had formally severed their connection with the Church of England only in 1811, were so averse to this agitation that they unanimously censured it at a General Assembly, held at Bala in June, 1834. The controversy concerning tithes had to some extent involved a consideration of the question of rent, and the economic relation of one to another as charges upon land; but it appears that it was in connection with the agitation for Parliamentary reform that rent came first to be regarded as a question that might be discussed, like any other question, in the magazines and on the platforms."

Popularity of Reform.

So popular was the Reform Bill with Welsh farmers, that even that doughty champion of Welsh Toryism, Sir Watkin W. Wynn, was said to have been re-elected by the Denbighshire farmers only, after he had given a pledge that he would support the Bill. The popularity of that measure was largely due to the farmers' belief that its passing would result in a general reduction of rents. "This erroneous view the Welsh magazines had to combat, while at the same time supporting reform in its proper meaning as a change in

the Parliamentary machinery. 'As to rents,' one of those magazines asks, 'who is it that have advanced them to their present high pitch, and who is it that keep them up at such height? When a farm was about becoming vacant eight or ten or a dozen could be seen flitting, one after another, to the landlord's house, one offering more than the other, and to the highest bidder it would be let. It is the tenants that have raised the rents and still keep them up, for whenever one leaves his farm because the rent is too high there are plenty ready to take it at the same rent as he paid. No Reform Act will mend those, but men must mend their own ways by not undermining each other, and thirsting for their neighbours' farms.'"

The fact seems to be that, as has often been the case, people believed that an improvement in the machinery of the Government would prove a panacea for all their troubles. The disappointment which always attends such views was on this occasion aggravated by the general and widespread distress which not only the agricultural interest, but the industrial classes also suffered at this time, and the result is described as follows (p. 153):—

"In the industrial centres, Chartism was spreading with startling rapidity, but it received absolutely no support among the purely rural population of Wales, to whom the notorious Atheism of some of the more prominent Chartist leaders was highly obnoxious. Thus early in 1839 Chartist meetings and demonstrations were held in Carmarthen, but its chief supporters there would probably be those engaged in the hat industry of the town. The weavers of the Montgomeryshire towns organised and drilled themselves with the utmost secrecy; but before their plans were quite matured a riot broke out at Llanidloes, on the 30th of April 1839, which resulted in the capture or dispersal of the leaders, and the effectual suppression of all disloyalty. In the mining districts of Glamorganshire and Monmouthshire the movement attained more considerable proportions. In Merthyr Tydvil there had been terrible riots, accompanied with much bloodshed, in 1831.* They were associated with the demand for "Reform," but politics had little or nothing to do with them beyond the fact that the ironworkers, like the farmers, believed that "Reform" would bring them better times. After this the workers commenced to hold secret meetings and to organise themselves on trade union principles, and in 1836 they seem to have openly declared for Chartism, apparently at the instigation of Mr. Hugh Williams, a native of Machynlleth, who was then practising as a solicitor near Carmarthen. Spread of Chartism.

"The movement spread to the Monmouthshire Valleys, but the Chartists of Merthyr mainly belonged to the "moral suasion" party, while those of Nantyglo and Blackwood advocated the use of physical force. The sequel, however, was that the latter, to the number of several thousands, armed with a variety of formidable weapons, marched on the town of Newport on the morning of 4th November 1839; but, after a sharp conflict with a small company of soldiers at the entrance to the town, they were repulsed and dispersed and the ringleaders captured.

* Particulars are also given of similar riots, about 1830-2 in the colliery districts of Denbighshire, at Newtown, in Montgomeryshire, and at Carmarthen.

"Neither this nor the earlier rising at Llanidloes was of a distinctively Welsh character, though there were many Welshmen undoubtedly concerned more especially in the Newport riots. The appeal to physical force was, moreover, unequivocally condemned in the Welsh magazines of the time. Even *Udgorn Cymru* ("The Trumpet of Wales") which was the vigorously-conducted organ of Welsh Chartism (from about 1836 to 1840) condemned all unconstitutional methods of agitation."

Though Chartism was dead, its spirit was still in the air. People in rural districts were led to think more than they had previously done on the causes of the misery, a full share of which they themselves had to bear. They had hitherto been a law abiding folk, though it is recorded (p. 154) that "earlier in the century there had been a few instances of agrarian disturbance, but these had arisen from purely local causes, and were mostly provoked by a curtailment of what the people considered as their rights of common, for the tenantry had been as a rule violently opposed to the wholesale inclosure of mountain wastes which was carried out in the first three decades of the century."

Despair and discontent of Farmers.

It is generally represented with reference to English agriculture that it began to emerge from its state o depression, towards the close of the third decade and some writers point to the establishment in 1838 of the Royal Agricultural Society of England as marking the commencement of a new era of further improvement in, and renewed prosperity for this industry. Our own individual view is that this ante-dates the end of the distress by several years, and that the Repeal of the Corn Laws in 1846 marked the real turning-point in British farming. In Wales, at all events, matters continued to grow worse down to that date. With the beginning of the forties the outlook became, in fact, much gloomier for the Welsh farmer, who was then entering on the second quarter of a century of this miserable depression. The elements of discontent were at that time far more widespread throughout the Principality than they had ever been before, within living memory, and the result, in the words of Harriet Martineau,* was "the strangest series of riots that had occurred in our times."

To rightly understand the meaning of this strange upheaval, the history of which casts so lurid a light on the condition of the people, we think it well to reproduce in full what is said of it by the Commissioners (p. 154):—

Origin of Rebecca Riots.

"The farmers of Wales had experienced a series of wet and unproductive seasons for a whole decade prior to 1841, and it is stated that in 1839 and 1840 they had lost nearly

* *See* her *History of England during the Thirty Years Peace, 1816—46* (ii. p. 523), where also a succinct but graphic description of the Rebecca riots is given. *See also* the *Annual Register* for *1843*, pp. 257—262.

all their harvests owing to the rains. This meant that, for several years, many had to purchase corn either for seed or bread; but money was scarce and the capital of farmers had been already exhausted, for concurrently with these wet seasons the price of sheep, cattle, and butter had fallen greatly in value, prices being exceptionally low in 1836 and 1837 and again in 1840—43. At the same time, the tithe rentcharge had considerably increased after the commutation of the tithe, rates and taxes appeared to become heavier year by year,* the expenses incurred in carrying out the provisions of the unpopular Poor Law Act were very considerable compared with the cost of the contributions formerly made in kind towards the support of the poor, and over and above all, the rent of land continued practically unchanged. There was also one other charge of a seemingly trivial character. The tolls payable at the numerous gates and bars set up on the turnpike roads had of recent years become exceedingly vexatious, and even illegal practices had been resorted to by some of the lessees of these gates with the view of exacting payments. The last-mentioned exactions, therefore, afforded something tangible for the farmers, in their impoverished condition, to lay hold on, and it was apparently an easier matter to relieve themselves of the payment of turnpike tolls than of rates, of tithe, or of rent. In other words, the property of the turnpike lessees could be attacked with greater impunity than that of the landlord or tithe owner. The first overt act of revolt was the destruction, as early as 1839, of the tollgate of Efailwen, in the parish of Llandyssilio (near Clynderwen) on the turnpike road leading from Narberth to Cardiganshire. The gate was not re-erected; and the victory thus gained dwelt in the minds of the distressed inhabitants of the district, with the result that during the winter of 1842-3 a large number of other gates and toll-houses, especially in the neighbourhood of St. Clears and Whitland, were similarly demolished in the dead of the night, by disguised parties of farmers and others. Those who thus took part in these proceedings were known as 'Rebeccaites,' and the whole disturbances as the 'Rebecca' riots, owing to the fact that the originator of the movement had assumed the name of Rebecca.

Its spread throughout South Wales.

"Towards the end of May a determined attack was made by some 400 men (of whom about 100 carried guns) on a magistrate's house near Carmarthen, and this was followed

* Elsewhere (p. 157) the Commissioners say: "No doubt the serious multiplication of rates which fell upon the occupier in the first instance was an important element in this question."

by numerous riots in the district, culminating in an attack made by over 2,000 persons on the poorhouse at Carmarthen, on the 19th of June. Several companies of dragoons and about 70 members of the London Constabulary were drafted into the district; but their presence by no means checked the destruction of gates, which, being always effected by night, proceeded apace during the succeeding months of the year in the counties of Carmarthen, Pembroke, and Cardigan, and in parts of Glamorganshire, and spread towards the end of September and early in October to the counties of Radnor, Brecon, and even Montgomery," but, it should be added, did not extend further into North Wales.

"Immediately after the attack on the Carmarthen poorhouse a representative of the *Times* newspaper was despatched to the district, and for the next six months contributed to that journal a series of letters and reports which are exceptionally valuable owing to the light which they throw upon the condition of the agricultural population at this period.

Inquiry by Royal Commission.

"In October, a Royal Commission was appointed to inquire into the state of South Wales, and in their Report (issued in March, 1844) it is stated :—

'That at the time of their arrival in South Wales the excitement which had prevailed respecting turnpike gates had in a great degree exhausted itself . . . But the people having once felt their power and undertaken to redress their grievances, had in some instances combined for the purpose of regulating the tenure of land; threatening notices had been sent, and more than one incendiary fire had taken place in cases in which landlords had made arrangements for uniting in one taking tenements which had formerly been held separate. An anxious and discontented feeling was said still to prevail, though the disposition to commit acts of outrage and violence, which but a short time before our arrival had prevailed to so great an extent, was at that moment held in check by the presence of a military force. Great excitement, however, continued to exist; large assemblies of farmers and others took place in the daytime, at which speeches of an inflammatory character were made, and resolutions in a spirit agreed to.'

Agrarian character of disturbances.

"The evidence of several of the more responsible witnesses clearly indicates also the agrarian nature of these disturbances. Thus, Mr. J. Lloyd Davies, landowner, of Alltyrodin, who was subsequently M.P. for Cardigan, stated (*Q.* 53-4) that he had foreseen trouble more than two years previously, 'and I mentioned to a large body of magistrates, 'you must all lower your rents.' I began myself three years ago by lowering some 30 per cent., others 25, and others 15, according to the position of each farm. I have not a single complaining tenant. The people were poor and were desperate, they had often applied for a reduction, and it was real poverty that drove them to this.'

"The Hon. Col. Rice Trevor, Member of Parliament for Carmarthenshire (subsequently Lord Dynevor), also empha-

sised (*Q.* 2608-2650) "the very deep state of distress" of the farmers. "There has been a reckless bidding for land on some occasions, but parties had no other means of livelihood but by farming." Then he proceeds to give an account of acts of violence unconnected with the turnpike gates :—

"It is only within these days that I received information of one incendiary fire that was completed, and another that broke out and was extinguished almost immediately; and I am led to believe that those fires were in consequence of the parties who owned the property having a farm, and another portion of land which they held as well, and that fire was supposed to be the visitation of Rebecca for that supposed offence. About a fortnight or three weeks ago there was a threatening notice place on the door of a farmer in the neighbourhood of Whitland, in the western part of this county, and his offence was supposed to be that of holding three farms, I think. It is, I believe known that a meeting was held at a place called Cwmifor, in the neighbourhood of Llandilo, in the month of July last, at which some sort of resolutions were come to by parties who are described as unknown, but who certainly were farmers; that amongst other things people should not hold more than their single farms. Then there have been interferences by those armed mobs, or disguised assemblages of people, with the bailiffs who were in possession of farms where there was a distress, in consequence of non-payment of rent, and there have been some instances of threatening letters being sent where it was known that a tenant was to be changed; that an old tenant was to go ont, and that a fresh tenant who was coming in received threatening notices to prevent his taking the land; and in some instances, in consequence of those threats, they have been led to give up their taking. But besides those outrages with regard to property, we have had a great number of outrages of another description—of houses fired into, and robberies committed by gangs of persons, who, as far as we can trace, have not been of the class of farmers; at least, the ringleaders have not been of the class of farmers, or even farm-labourers."

'My father's ricks have been burnt,' says another witness (Mr. Chambers, junior, of Llanelly); 'in fact, there have been five fires in one week on my father's property, and a horse shot.'

"A very much fuller account of these agrarian outrages may be obtained by a perusal of the letters of the *Times* correspondent, who also repeatedly emphasised the fact that the distress of the farmers was at the bottom of all the mischief."*

The *Times* on the Riots.

'Every inquiry I make, ‡ and all information I receive, confirms me in the view I have taken that the general and great distress of the farmers is at the bottom and the exciting cause of the disturbances which have taken place, though there are other circumstances of aggravation. The fact is, § with the present rents the farmers cannot live; they get deeper into debt every year.' . . . He describes rents 'in Wales generally,' as exceedingly high, and not merely high but 'screwed up till they can be got no higher.' ‖ Notwithstanding this, there was a great com-

* I have been at some pains to discover the identity of this correspondent, and have come to the conclusion—though not wholly satisfied on the point—that he was John Forster, the friend and biographer of Dickens.—D. Ll. T.

‡ *The Times*, 27th July, 1843. § *Ibid.*, 3rd August. ‖ *Ibid.*, 7th August.

petition for land, 'partly arising from the increase of population, and partly from the pride of the people, who, being farmers' sons, wish to be all farmers themselves. The chief cause of this is traced to the characteristics of the Celtic races, a strong attachment to localities, to old customs and habits, and a pride in doing as their fathers have done before them.' The system of small farms let at rack rents was similar in Wales and Ireland. Very little or no sympathy, he asserted, had been shown by the landowners to their tenants in their difficulties, and the result he describes thus:* 'It cannot be denied that the people look upon the landlords and gentry and magistrates, as a *class*, with hatred and suspicion, and if one quarter of the stories are true which I have heard, not without just cause. That this arises from no Chartist or political feeling, but solely from oppressive and insulting, haughty, offensive demeanour I am convinced, from the fact that whenever an individual of the gentry has pursued an opposite course, he is beloved and idolised.' In short, the moral responsibility for these disturbances was laid by the correspondent at the doors of the landowners and magistrates. 'Let not those who know not the depression caused by hopeless poverty undervalue its temptation to utter recklessness. Let not the landlord who screws the utmost shilling from his tenant and gets it paid, flatter himself that he escapes the responsibility of that temptation because his rent is paid. One certain operation of such a system is to grind men down to dependent serfs.'†

"Before many of these letters had been published their writer was welcomed with open arms by the farmers, who eagerly told him the story of their grievances, admitted him into their secret meetings, and tendered him votes of thanks at their open-air gatherings. The following extract from a letter by "an Irish landlord" (published in the *Times* for 9th September, 1843), appears to represent the impression created upon the public by these letters :—

'In the history of the newspaper press of the world, perhaps, such an event has never occurred as the late interviews between the reporter of the *Times* and the Welsh farmers. [It is] the flattering spectacle of an entire people coming forward to lay before its representative the grievances under which they had so long laboured. They might have complained to their natural protectors, the landlords and gentry of the country, but they had done so too often already, and it was in vain. They might have petitioned Parliament,

* The *Times*, 18th September. † *Ibid.*, 30th September.

but their representatives were averse from their requests, and the people were too humble and powerless to attract attention to their statements. In their emergency they appealed, and not in vain, to a journal of vast influence and circulation . . . they have not brought their grievances before a powerless tribunal. Already the whole country, while it deprecates these outrages, sympathises with their wrongs, and public opinion will speedily insure that redress which perhaps laws would be unable to accomplish.' (p. 157.)

Security of tenure and fair rent demanded.

"Among the petitions which were adopted at the numerous open-air meetings held in South Wales during the disturbances of 1843, we find one containing the following clause*:—

'The petitioners humbly conceive that it would be most desirable, in order to restore harmony and good feeling between landlord and tenant, that means should be devised by which occupancy of land should be assured to the tenant, subject to a fair rent, assessed to cover the local imposts of the county.'

"In other words, the petition recommended a system of fair rents with fixity of tenure. What is most deserving of attention is the suggestion that tenants should be called upon to make one payment only, the amount of which should be fixed by a public authority (such as the justices of quarter sessions), and out of which gross sum there should be paid rates and taxes, tithes, rent, and all other charges which are ordinarily payable by the tenant.

"The following remarks, extracted from a speech delivered in support of the petition by Mr. Hugh Williams,† whose

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* *The Times*, 28th September 1843.

† Hugh Williams, though most probably not the originator of the earliest acts of lawlessness, was, in all probability, the inspirer and leader of the "Rebecca" movement so far as it was at all organised. Williams who was born at Gelligoch near Machynlleth, but early in the thirties settled as a solicitor at St. Clears where his wife had some property, was undoubtedly an active Chartist, and though living in South Wales, organised the defence of the Chartist rioters of Llanidloes in 1839, a service which he subsequently performed for the "Rebecca" rioters of South Wales. He was probably the only Welshman of the time who was thoroughly versed in the methods of English Chartists and was at the same time in touch with the distressed farmers of the district where "Rebeccaism" assumed its most formidable proportions. His sister was married to Richard Cobden, who however, probably knew nothing of Williams' *secret* services to these movements.

It is only right to say that I have not discovered any published statement attributing the leadership of the movement to Williams, but that this is the conclusion which I have arrived at, after a diligent search into its history. I am also permitted to state that Mr. Edward Davies, J.P., of Dolcaradog near Machynlleth, who knew Williams well and met him on several occasions about this time, has communicated to me the fact that Williams repeatedly told him in confidence that he was *the* organiser of "Rebeccaism." [D. Ll. T.]

name has been already mentioned in connection with the Chartist movement, may, perhaps, make its meaning more clear :—

'A new topic, not very acceptable to the landed interest of the country, and which seemed to gain ground, related to tenure of lands. The general complaint now was that competition for farms was so great that they could not be procured at their fair value; therefore the country was desirous that the tenure should be more fixed than at present; that so long as the tenant could pay a fair rent he should occupy his land without being subject to be dispossessed by his landlord. It was next extremely desirable to do away with the disputes which continually prevailed between landlord and tenant. It was suggested to them as extremely desirable that the gentry of the country should have an assessment of the taxes, and have the power of assessing a fair rent on the tenant, so as to cover this assessment. This would do away with no less than eleven distresses for different rates to which the farmer was now liable.'

"That the proposal to establish a system of fair rents by means of legislative interference was at this time being discussed by, and finding favour among, the agricultural population of the district in question, is further corroborated by many passages in the evidence taken by the Commissioners of Inquiry in 1843-4. We find the following, for instance, in the evidence of Colonel G. Rice Trevor, M.P. (Qu. 2609):—Qu.: 'If the rents are higher than can well be paid at the present scale of prices, does it appear to you that that can be a subject for legislative enactment? Must it not be left to be adjusted between the tenants and the landlords?—Ans.: I should imagine so; I have no idea how you could bring any legislative enactment to bear upon contracts between parties.'

"Another witness, a small tenant farmer from near New Quay, in Cardiganshire (Qu. 1263), in referring to the numerous 'petitions about rent sent from Carmarthen to London, to the Queen,' expressed his dissent from the principle on which the petitions were based, viz., that Parliament should interfere for the purpose of fixing rents:

'They desire our gracious Queen Victoria to compel the landowners to reduce the rents. I think that is a thing between the landowner and the tenant only. Every landowner would like to have the highest price for his land; and suppose the Queen compelled every gentleman in the kingdom to let their farms so and so, that would be as great a grievance as can be. And suppose, on the other side, they compel us to give so-and-so rent to the landlords, the people would not like it. I look upon that petition as very foolish. But I think the Parliament and the Queen have nothing to do with the rent.'" (p. 159).

Legislative interference discussed.

The important point to be noticed, however, is that the question of legislative interference, with the view of settling rents, was being discussed, even in the remotest parts of the country, and by simple-minded folk who had no knowledge of political economy as such, but knew well enough where the shoe pinched them. Most of them, like the witness first quoted, may have shaken their heads sadly and said it was

all very foolish; but the possibility of the proposal as a remedy was nevertheless admitted before it could be seriously discussed and made the subject of speeches and petitions. Perhaps the expectations which had been raised by the "Reform" Agitation of some 10 years previously may have lingered among the people, but if so they were once more doomed to disappointment. No such heroic remedies were resorted to: As a result of the Report of the Commission, the South Wales Turnpike Trust Act was passed, and to some extent improved the administration of the highways. The poor law was also slightly modified.

Indifference of Landowners

"These enactments, however, touched but the mere fringe of a large and complicated question. Many landowners also gave temporary abatements in their rents, but it is probable that an improvement in the seasons and in the prices of produce contributed more than anything to restore order in this part of the country. Hardly anything was, however, done with the view of improving the social condition of the small farmers; the majority of landowners in several of the counties of South Wales contributed nothing towards providing elementary education, and the social cleavage between landlord and tenant was yearly becoming greater owing to the fact that the former was almost invariably a member of the Church of England and the latter a Nonconformist. The report of the Commissioners of Inquiry into the State of Education in Wales discloses the deplorable condition of Welsh society in 1846. Mr. Vaughan Johnson, in his report on North Wales (pp. 53-4), states:—

'The wealthy classes who contribute towards education belong to the Established Church, the poor who are to be educated are Dissenters. The former will not aid in supporting neutral schools; the latter withold their children from such as require conformity to the Established Church. The effects are seen in the co-existence of two classes of schools, both of which are rendered futile. The Church schools supported by the rich which are thinly attended, and that by the extreme poor; and private adventure schools, supported by the mass of the poorer classes at an exorbitant expense, and so utterly useless that nothing can account for their existence except the unhealthy division of society which prevents the rich and poor from co-operating. The Church schools, too feebly supported by the rich to give a useful education, are deprived of the support of the poor, which would have sufficed to render them efficient. Thus situated the promoters are driven to establish premiums, clothing clubs, and other collateral inducements, in order to overcome the scruples and the reluctance of Dissenting parents.'

"Elsewhere many landowners seem to have entirely shirked the responsibility of giving any support whatsoever to education. Mr. (now Lord) Lingen says with reference to the counties of Carmarthen, Glamorgan, and Pembroke (see his Report, p. 35):—"So far as the landed proprietors ubscribe at all it is to the Church schools. There are, how-

ever, large tracts in which they neither reside nor subscribe," the whole of North Pembrokeshire being, perhaps, the most notorious in this respect.

The third Commissioner (Mr. J. C. Symons), in concluding his report on the counties of Brecknock, Cardigan, and Radnor (p. 52), says:—

'It is impossible not to be struck, on visiting Dissenting schools, with a desire to see a little more of the same attention, sympathy, and pains bestowed by the rich and educated classes on those below them, which the better portions of the working classes bestow on their poorer neighbours. It is much to be feared that there are more Samaritans among the poor than among the rich in these counties, and that the remark of Mr. Phillips (of Abbey Cwmhir), a gentleman of great benevolence and large property in Radnorshire, is very just—'Until the landed proprietors and clergy take a much greater interest in the conduct of the farmers and of the labouring population little permanent good can be expected.'"

Progress of land reform in England

What changes was the relation of landlord and tenant undergoing in England during this time? It is difficult to say; the Commissioners do not attempt an answer. But they point out that the relation in question had come to the fore as a subject for discussion. In a brief note, which we reproduce, they sketch the history of the whole movement for placing this relation on a satisfactory basis:—

"The first English Tenant Right Bill was introduced into Parliament by Lord Portman in 1841, its object being to give tenants a legal claim to the value of unexhausted improvements made with their landlord's consent. It was re-introduced in 1843, and again in 1844. In the House of Commons, Mr. Pusey brought in a similar Bill in 1847, and he acted in 1848 as chairman of a Parliamentary Committee appointed to inquire into the agricultural customs of England and Wales, as to tenant right. It does not appear that any evidence was taken relating to Wales. The only practical result of Mr. Pusey's efforts was the passing of the "Emblements Act" (14 & 15 Vict. c. 25), which gives tenants a right to remove buildings and fixtures set up with the consent of the landlord. In 1873, Mr. James Howard and Mr. Clare Sewell Read once more brought the question to the notice of Parliament by the introduction of their Landlord and Tenant Bill, which may be said to have resulted in the passing of the Agricultural Holdings Act of 1875, which has been subsequently amended by the Agricultural Holdings Act of 1883. So far as England is concerned this is briefly the history of the movement for legislative interference with the contracts of landlord and tenant."

Returning to Wales we have already seen that security of tenure, fair rents and many other "advanced" reforms —to be brought about by legislative interference—were advocated during the "Rebecca" riots, but we hear little of them for some time after the suppression of these disturbances. In North Wales, Dr. William Rees (*Hiraethog*) under the *nom de guerre* of *Rhen Ffarmwr* ('The Old Farmer') wrote to his Journal, *Yr Amserau*, a well-known series of letters, dealing with the interests of the farming population, to whose political education he thereby largely contributed. And in Wales compared.

But, the Report says, "the best-known advocate of the rights of tenants in Wales at this period was the Rev. Samuel Roberts, of Llanbrynmair.* In 1850 he published, in the form of a story, a small work, the full title of which is "Farmer Careful, of Cilhaul Uchaf, a brief history of wrongs done to his family, showing the necessity for reforms as to land management." In 1852 he published "Letters on Improvements addressed to Landlords and Road Commissioners," and two years afterwards he published an account of the experience of his own parents in "Diosg Farm: a Sketch of its History during the Tenancy of John Roberts and his Widow." These works, which were published both in Welsh and English, had a large circulation throughout the whole of Wales. The burden of Roberts' complaint, in his last-mentioned work, was the advancement of rent subsequent to, and, as he alleged, in consequence of a large expenditure of capital by his father during the earlier years of his tenancy. Despairing of obtaining any redress for his own family, or of seeing any reform of land tenure, and also believing that an attempt was being made on behalf of Welsh landowners to crush freedom of action in religion and politics, he emigrated in 1857 to the United States of America, whither many hundreds of Welsh farmers had gone in the preceding three or four years."

He himself settled in Tennessee, joining a small Welsh colony that had gone there the previous year.

3.—*EMIGRATION AND RURAL DEPOPULATION.*

To this stage in the history of the land question we have also assigned the consideration of one other important phenomenon, namely, the depopulation of the rural districts, inasmuch as it partly belongs to the foregoing period of depression, and partly also to the periods that followed. It Emigration statistics.

* For a full account of Roberts' life *see* an article by the writer in the *Dictionary of National Biography*.

did not, however, make itself actually felt till almost the close of the former period, but once it commenced, it could not be checked even when prosperous times returned, and has of recent years gone on at an alarmingly accelerated pace.

This would therefore, appear to be the most convenient place to consider the facts which the Commissioners have collected bearing on this subject, and on Welsh emigration generally (chapter vi., p. 44-65). Precise statistics as to the total number of Welsh emigrants they are unable to give, as the emigration statistics published from time to time by the Board of Trade do not record Welsh as distinct from English emigrants, though Scotch and Irish are separately enumerated. On this unfortunate omission the Commissioners severely comment, suggesting also that it should be made good in future.

"We have, however, for one short period of a little over five months what is probably a complete return of the number of emigrants from Wales, for in the Census Returns for 1841 are given the numbers of those who had emigrated from each county to 'the colonies and foreign countries' between the 1st of January and the 7th of June, 1841. It is significant that the purely agricultural counties contributed the largest quota, Cardiganshire sending as many as 283 persons, Montgomeryshire 162, and Merioneth 128, while from the whole of Wales and Monmouthshire there emigrated within that short period as many as 1,149 persons, namely, 661 males and 488 females" (p. 52).

Decline of the Rural population.

We have already seen that during the first four decades of this century the population of every Welsh county went on increasing, but that between 1841 and 1851 a contrary tide set in, with the result that the only counties which have suffered no diminution in their population within some decade or other throughout the 90 years from 1801 to 1891 are those of Carmarthen, Denbigh, Glamorgan, and Monmouth, which have important industries besides agriculture.

Moreover, the population in as many as four counties was less in 1891 than in 1841— by 16·7 per cent. in Montgomeryshire, 14·4, per cent. in Radnorshire, 8·9 per cent. in Cardiganshire (three contiguous counties in Mid-Wales), and 1½ per cent. in Anglesey. In spite of a great development in the industrial districts of East Carmarthenshire, the five agricultural counties of South Wales (excluding Glamorgan and Monmouth) show a net increase in their aggregate population of only 5 per cent. during the 50 years referred to.

If, however, only the 10 years preceding 1891 be taken into account, it appears that the population of as many as 8 out of the 13 counties showed a decrease. This, moreover, has been much greater in Wales than in England, as may be seen from the following table, in which the counties are arranged according to the extent of decrease in each :— Greater in Wales than in England.

Welsh Counties.	Decrease. Per cent.	English Counties.*	Decrease. Per cent.
Montgomeryshire ...	11·68	Huntingdonshire ...	5·51
Cardiganshire ...	9·20	Herefordshire ...	5·18
Radnorshire ...	7·58	North Riding of Yorkshire ...	4·62
Flintshire ...	7·01	Shropshire ...	4·39
Merionethshire ...	5·81	Lincolnshire ...	4·29
Pembrokeshire ...	3·59	Rutlandshire ...	3·84
Brecknockshire ...	3·44	Cornwall ...	3·76
Anglesey ...	2·57		

As to this table the Commissioners observe :—"It thus appears that it is in the Welsh counties that the rural depopulation has assumed the most notable proportions, and with the Welsh counties may be classed the border counties of Herefordshire and Shropshire. Of the remaining English counties that have lost rural inhabitants, Huntingdonshire and Rutlandshire are numerically insignificant, while in Yorkshire and Lincolnshire, as in Wales, the agricultural depression must probably be regarded as the chief cause." (p. 47).

A very curious fact is brought out by these statistics. In periods of agricultural depression, those returned under the title of "farmers and graziers, &c.," actually increase, while in times of prosperity their numbers decrease. Is this due to a tendency to consolidate farms so as to have big holdings in prosperous times, and to the contrary policy of sub-division, when depression comes? Or does it show that the depression itself is to some extent due to over competition among occupiers? No answer is, however, given in the Report.

Thus, the number of "farmers, graziers, &c.," remained practically stationary from 1851 to 1871, decreased 7 per cent. from 1871 to 1881, but actually increased 34 per cent. between 1881 and 1891. There may have been some change in the methods of taking the Census, but the Commissioners do not appear to have been aware of any such change. But on the other hand, "the number of agricultural labourers has

* The only other English counties whose population decreased are Bedford (2·55), York E.R. (2·41), Wilts (2·14), Norfolk (0·68), Suffolk (0·56).

decreased in each county within each decennium from 1851 to 1891, the total decrease amounting to close upon 40 per cent. The number of farmers' sons or other near relatives working at home on the family holding (if the expression may be used) has materially decreased in every county during the same period, a fact from which we might infer that the younger members of the agricultural community feel a growing disposition to abandon farming for other occupations."

The United States the chief field for Welsh Emigration.

The question of the depletion of the agricultural counties leads the Commissioners to inquire whither natives of Wales have chiefly emigrated (p. 50.)

"The one chief field of emigration for the people of Wales has always been that portion of North America which now forms the United States." It is pointed out that the early Nonconformists of Wales as well as of England turned their faces to the New England as the future home of civil and religious liberty. Large parties, if not whole congregations of Welsh Baptists and Quakers thus emigrated, and the territory where the latter settled only narrowly escaped being called New Wales instead of Pennsylvania, while many of its place-names still remain Welsh. There appears to have been quite a rush from Wales to the States not long after the declaration of Independence, or, more precisely, from 1795 to 1800. Instances are given of parties thus emigrating from Llanbrynmair in Montgomeryshire, while, in Carnarvonshire, leaseholders threw up their leases on the Vaenol estate, so as to try their fortune in the continent of the West.

It is also stated, with reference to the same period, that "thousands were induced (apparently by American agents) to emigrate from the rural districts of South West Wales, notably from South Cardiganshire, owing to the conditions of almost hopeless poverty into which a succession of bad harvests and the pressure of taxation had brought them. The gentry regarded such an exodus on the part of their tenantry as highly detrimental to the country, and alarming reports, probably of a very exaggerated character, as to the sufferings of the emigrants, were circulated and readily believed in the Principality, with the result, it may be assumed, of temporarily checking the free tide of emigration which had then set in."

We have seen that by 1841, emigration had once more become popular in the agricultural counties, and from this time down to about 1860 "we find" the Commissioners say (p. 52) "that it was frequently discussed and advocated in the Press and on the platform as the speediest solution of the Welsh land question."

Llanbrynmair has just been mentioned above. Speaking with reference to it, the Rev. Owen Evans, D.D., formerly pastor of its Independent Church, stated before the Commissioners, that "a far larger number of the agricultural population of that neighbourhood has emigrated to the United States of America and other foreign parts than has gone from any other (agricultural) district of Wales."

Samuel Roberts, who was a predecessor of Dr. Evans in this pastorate, is also quoted as stating in June, 1852, "that 'over 70 persons mostly young people, had left Llanbrynmair that morning' and that 5 or 6 large parties of the same kind, not to mention lesser ones, had similarly emigrated during the few preceding years. Those who had thus settled were reported to be doing well and to be sending home money to assist their poorer relatives to pay their passage out." Elsewhere it is mentioned that over 200 Welsh people left Liverpool for the United States by the same steamer in May, 1855.

As to these facts, the following is the comment made in the Report (p. 53):—"The significance of this constant stream of emigration is due to the fact that high rents and harsh conditions of tenancy were alleged to be the chief causes of the great exodus. The depopulation of Llanbrynmair parish was, in Samuel Roberts's opinion, a "sure sign "of some terrible injustice on the part of landowners and "their agents, inasmuch as old Welsh families would not "thus leave the land of their fathers had they a hope that "they could earn a living at home."

Welsh Mormonism explained.

"The great Mormon emigration, in which such large numbers of Welsh people participated, between 40 and 50 years ago, was also more closely connected with the agricultural and industrial depression of that time than is generally supposed to have been the case. The propaganda of this new faith appears to have been first taken up in Wales about 1845, when the people generally were in a condition approaching despair; the Chartist movement in the mining districts and the Rebecca riots in the agricultural counties had been alike suppressed, and those who took prominent part in them had been sent to penal servitude. There was little or no prospect of a real remedy, whether proposed by the State or effected by the gentry, and there were no signs of any great improvement in trade. At the time that Mormon leaders (chief among which in Wales was Captain D. Jones, brother of the brilliant but eccentric "Jones of Llangollen") held up to the people the prospect of a land "flowing with milk and honey," a paradise on earth under the protection of a special Providence, where all the faithful would live in peace and plenty, and, according to some accounts, where death also would be unknown. As this Utopia was located in the Far West of the United States—a country whose resources were believed to be unlimited—large numbers of those who regarded themselves as down-trodden in this country eagerly embraced the new faith and emigrated to Utah. The movement culminated perhaps in Wales in 1852—3, though for many years afterwards bands of Welsh emigrants continued to go to Utah from time to time, and it should also be added that some also returned to the old country

in a disappointed mood. In the evidence given before us, the parish of St. Bride's, in South Glamorgan (which is wholly agricultural in character), was specially mentioned as having suffered a serious diminution in its labouring population on that account. In the neighbourhood of Pencader and Lampeter, also Mormonism obtained a strong foothold, and many probably emigrated therefrom in consequence, though we had no definite evidence on the point. It has been said—with what truth we are unable to say—that South Wales (especially Glamorganshire) contributed a much larger proportion of inhabitants to the ranks of Mormonism than any other similar district in the Kingdom." *

Welsh Americans.

The stream of emigration from Wales to America has never wholly ceased, though it appears to have slackened during the last 20 years. The number of persons born in Wales (excluding Monmouthshire), and enumerated in the United States at the time of the last Census (June, 1890), was returned as 100,079, but the total number of Welsh settlers, *including first descendants*, has been estimated by an American writer†—"with some exaggeration perhaps," the Report says—as close upon a million and a quarter. Politically they are almost wholly Republican, the percentage of the Welsh Republican vote being, according to the same writer, 39½ per cent. in Pennsylvania (which is still pre-eminently the chief home of Welsh emigrants), 15 per cent. in Ohio, 11 per cent. in New York, and 9 per cent. in Wisconsin.

"There is a very extensive Welsh-American literature; several magazines are published in the Welsh language, and Eisteddfodau are in many districts as popular as in the mother country. The religious denominations of Wales are well represented in the States by flourishing churches, in which the services are exclusively Welsh, and by organisations that are in frequent communication with those of the Principality."

With reference to agriculturists, Mr. Thomas Darlington (now H.M. Inspector of Schools) was assured that "many of the Welsh farmers in the district of Utica had little or no acquaintance with English."‡ Most of the Welsh agriculturists who emigrate go in the first instance to one or other of the older and well-known Welsh localities, and after a few years' residence there they then push on to the Western States.

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* The following statement, made by Sir Charles Dilke in his *Greater Britain* (1868, Vol. I., p. 175) is also quoted in this connection:—"In every 10 immigrants (to Utah) the missionaries count upon finding that four come from England, two from Wales, one from the Scotch Lowlands, one from Sweden, one from Switzerland, and one from Prussia; from Catholic countries none; and from all America, none."

† Mr. John E. Owens in the *North American Review* for November, 1893.

‡ *Wales* for December, 1894 (p. 350).

These last statements afford some clue as to why Welsh speaking and almost monoglot farmers and labourers emigrate to the United States. It is really because they can get on very well in many districts without much knowledge of English being required. Attempts at founding Welsh settlements.

In this connection, the Report thus proceeds (p. 54):—

"One great deterrent to emigration with Welsh-speaking persons has always been the prospect that either they themselves or at all events their near descendants would inevitably lose their distinctive nationality, and become merged in that of the dominant race of the district or country of their adoption. From time to time several projects have, therefore, been mooted for the establishment of a colony or settlement which should be exclusively Welsh, and where the Welsh language should be not only the medium of ordinary conversation and business, of its literature and religious worship, but should also be the official language of its civil government. The idea appears to have occurred somewhat simultaneously to more than one person towards the end of the last century; it was advocated by the Rev. M. J. Rhys, the editor of the first Welsh magazine, who himself emigrated to Ohio in 1796. A scheme for the same purpose was formed by William Jones, of Garthbeibio (1729-95), but "it came to nothing." Independently of this, a "Cambrian Company" was established in Philadelphia in 1796 with the object of forming "a settlement of Welsh people in the most eligible situation within the United States of America."

"In more recent times, John Mills, a Welsh missionary to the Jews, urged the "suitability of Syria for a Welsh Settlement," and about 1850, Evan Evans of Nantyglo, advocated the establishment of such a colony in Brazil, and a party of Welshmen, containing a few families from Bryn Mawr and district, actually went and settled in the province of Rio Grande de Sul. About 1856, upwards of 100,000 acres of land was purchased in Tenessee by a few Montgomeryshire men, with the view of establishing therein a purely Welsh Colony, but most of the Welsh immigrants were soon after scattered by the civil war between the Southern and Northern States. Owing to the fact that Admiral Fitzroy in his narrative of "Voyages of the 'Adventure' and 'Beagle,'" had given a very favourable account* of the Chupat Valley and New Bay, which he visited in Colonia del Chubut.

* See Vol. II., *Proceedings of the Second Expedition*, 1831—36 p. 396, *et seq.*: "Part of the west shores (of New Bay) seemed to be fit for cultivation. The river and the country round had a beautiful appearance as seen from a rising ground on the south side, an excellent position for a settlement."

February 1833, that portion of Patagonia was suggested by several persons as a suitable country, and finally, on the 28th May, 1865, a small party of 153 persons left Liverpool with the view of founding a colony at Chupat. At the outset the venture was anything but promising, and the numbers diminished rather than otherwise. It was not till 1871 that the little band was reinforced by new arrivals from Wales, and since that time their prosperity as well as their numbers has gradually but steadily increased. In 1876, the population had risen to 690, in 1883, it had reached 1,286, in 1887, 2,300, and in 1893, Colonia del Chubut (which is Argentine Territory, it should be said) contained about 2,500 Welsh people, while it had sent a small offshoot of some 50 Welsh settlers to the Andes, on the borders of Chili, some 320 miles beyond the original colony.*

There are two or three small groups of Welsh settlers in other parts of South America, such as at Sance Corto or Walsh Colony (with some 90 Welsh people), about 300 miles from Buenos Ayres, at Las Flores, and in Buenos Ayres and neighbourhood generally.†

Emigration to Canada.

These appear to be the only known attempts to found distinctively Welsh settlements, but the Commissioners give some further facts as to the emigration of Welsh people to the British colonies and to foreign countries.

William Vaughan (1577—1640) of Golden Grove, the author of the *Golden Fleece*, founded early in the 17th century, a small colony first called Cambriol, then Britanniola, in South Newfoundland. Canada, until quite recently, has not attracted many Welsh colonists.

South Africa.

As to South Africa, two Welsh parties consisting of some 32 persons under the leadership of Thomas Philipps, (from Milford, Pembrokeshire) and Charles Griffith (of Penpompren near Talybont, Aberystwyth) formed part of the Albany Settlement in Cape Colony in 1819, but their descendants have since been very much scattered. Welshmen, chiefly from the towns, have gone out to South Africa in

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* An interesting account of this settlement is given in certain "Reports received by the Admiralty from Capt. Fairfax upon the condition of the Welsh Colony of Chupat." These were published as a Parliamentary Paper (No. 18 of 1876). See also the account given by James Cumming Dewar (who visited it in November, 1887) in chapter V. (pp. 30—40) of his *Voyage of the 'Nyanza,' being the record of a three years' cruise* (1892, 8vo.). For the subsequent account of the colony the Commissioners acknowledge their indebtedness to Mr. W. J. Parry, of Bethesda, who visited it in 1893.

† See some very interesting Reports on *Y Cymry ar Wasgar* (Welshmen in Dispersion), prepared for the General Assembly of the Welsh Calvinistic Methodists in 1893 and subsequent years.

great numbers of recent years. There are Cambrian Societies at most of the chief towns.

Wales also sent an exceptionally large number of emigrants to the Australian Colonies in the time of the "Gold rush," especially about 1852, but here "they become more easily merged in the English speaking population than is the case in the United States, and their distinctive nationality almost invariably disappears in the first generation." Religious services in Welsh are however regularly held in 3 or 4 of the chief towns and an Eisteddfod is also occasionally kept. Australia.

"As for the Continent of Europe, perhaps the best-known instance of a Welsh settlement outside the British Isles is to be found in Southern Russia, in the province of Ekaterinoslav, near Marioupol, on the Sea of Azov. Here, in 1869, Mr. John Hughes, a native of Merthyr Tydfil, was instrumental in establishing very extensive coal and iron works. In the first instance workmen from South Wales were introduced to carry on the industries. The rapid development of the metallurgical and coal industries of the basin of the Donetz of recent years has thus been largely due to the strong initiative and practical skill of John Hughes, ably seconded by his four sons, who have carried on the works since their father's death on the 29th June, 1889, in his 75th year. In other parts of Russia, Welshmen have from time to time taken a prominent part in the construction of railways and the development of the mineral industries of the country, while there are also one or two instances of their settling for the same purpose in other European countries." (p. 56). Russia.

Turning to the question of emigration from Wales into England, the Commissioners are able to draw some interesting inferences from the statistics given in the Census Returns. We shall first enumerate the facts. According to the Census of 1891, there were enumerated in England (excluding Monmouthshire) 228,616 persons born in Wales, which amounts to a little over 13 per cent. of the total natives of Wales (1,720,206) enumerated on the same date in both England and Wales. As to the distribution of these Welsh-born folk 31,292 were returned within the London Registration District, while 14,828 more were resident in outlying areas *e.g.* West Ham 961, Willesden 529, Tottenham 329 and Leyton 259, while a little further a-field Croydon had 856 natives of Wales. It is observed that it is the agricultural counties (more especially of South and Mid-Wales) that send the largest number of persons, in proportion to their home population, to settle in London, Cardiganshire heading the list with a percentage of 5·25, while from the point of view of actual numbers it stands third (with 3,299), being preceded by the counties of Glamorgan and Monmouth with 5,446 and 4,551 respectively, and succeeded by Pembrokeshire with 3,195, while none of the other counties rise above 2,000. As to the linguistic condition of this population, it is mentioned that "Mr. Thomas Darlington has Welsh migration to England: London.

estimated that out of a total of 46,120 natives of Wales resident in London and outlying districts (in 1891), as many as 23,954 were able to speak Welsh. At all events, there is the fact that religious services are conducted in Welsh every Sunday at about 40 different centres in London," while it may also be added that the Welsh community has now a weekly newspaper, printed almost entirely in Welsh. The chief special industries which attract them to the metropolis are the following:—

(1) *Dairying.*—"The first perhaps in importance is the milk trade, in which a very large number of Welsh people, especially from Cardiganshire, and the Welsh portion of Montgomeryshire are engaged. Curiously enough this trade has for a long time been in the hands of Welshmen. With reference to the very commencement of the present century, it is stated* that 'the carriage and delivery of milk was entirely in the hands of women, strapping country wenches, principally recruited from Wales.'" (p. 58.)

It is, however, doubted whether the Welshmen now enjoy so large a share of the London milk trade as formerly—owing to the greater organisation of the business by the formation of large English companies.

(2.) *Domestic Service*, the good qualities of the Welsh servant girl being observed during the English visitor's holiday at Welsh watering places.

(3.) *The Drapery Trade*, in which it is said that the present style of window-dressing is largely due to the Welsh taste for colours.

Liverpool and Manchester.

"The comparative paucity of North Walians in London is due to the fact that North Wales comes more within the sphere of influence of Liverpool than of London, and that the former town therefore stands for many purposes in the position of a capital for North Wales, whence there is ready access not only by rail, but by water also. In a lesser degree and of more recent years Manchester has begun to compete with Liverpool in this respect. In the chief towns of Lancashire and Cheshire Welshmen are therefore to be counted by the thousand. Liverpool in 1891 had 17,449 persons born in Wales, Birkenhead 5,654, and St. Helens 1,393. The number in Manchester was 6,764, and in Salford 2,699. The total number of persons born in Wales and enumerated in Lancashire amounted to 60,819, while the neighbouring county of Cheshire had 21,379. But these figures give a very inadequate idea of the total Welsh population of these

* John Ashton, *The Dawn of the XIXth Century in England*, Pop. Ed. 1866, pp. 219-220.

towns. Thus, as the result of a special inquiry conducted by Mr. Thomas Darlington in connection with the Welsh congregations of Manchester, it was estimated that 25 per cent. of the 'hearers' at these churches had been born outside Wales, and would therefore not be included in the figures quoted above from the Census. The proportion of Welshmen resident in Liverpool but born outside the Principality is stated to be much greater than in Manchester."

North of England towns.

As the milk trade in London is largely in the hands of Welshmen, so also in Liverpool—possibly in a greater degree—are the timber and building trades, the development of several of its suburbs being—to their credit or discredit—largely due to the Welsh builders.

"In the other counties of the north of England the two chief centres of Welsh population are to be found on the banks of the Tees and the Tyne respectively. Large parties of ironworkers from South Wales were, many years ago, induced to emigrate to and help in establishing the iron industry at Middlesborough, South Bank, and Stockton-on-Tees, and the migration received special encouragement from the fact that several of the officials connected with the chief iron firms of the district, notably that of Messrs. Bolckow, Vaughan, & Co., were themselves Welshmen.* Thus Middlesborough, which has its Welsh chapels and holds an occasional Eisteddfod, is stated in the Census Returns to have had 1,579 natives of Wales in 1891, but as the original migration occurred many years ago, this figure necessarily represents a much larger Welsh population. Similarly Newcastle and Gateshead had at the same date 680 Welsh-born persons, South Shields 275, and Sunderland 399. There are many other smaller Welsh colonies scattered throughout the county of Durham, such as at Kelloe (where the first Welsh Church in Durham was established), Spennymoor, Bolden, Consett, Crook, Thornley, Trimdon, Wingate, South Eaton, and Seaham. The total number of Welsh immigrants in the county of Durham (which does not include Middlesborough) at the time of the Census was 6,957, of which more than one-half had been born in Glamorganshire or Monmouthshire. Yorkshire, in which Middlesborough is situated, had 10,785, of which the same two Welsh counties contributed a little less than one-half" (p. 59.)

Midland towns.

The Welsh population in the Midland counties is, with one or two exceptions, considerably more scattered, though in the aggregate far more numerous than in the North of England. The chief exception seems to be Hanley, with a colony of 963 persons born in Wales, "of whom as many as 353 hailed from Flintshire, where, as well as in East Denbighshire, there are several small potteries, a fact which accounts for the immigration from that part to Hanley."

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* "The Welsh element has been so important a factor in the development of the iron industries of the North of England" that the Commissioners print a very full account of the origin and progress of the migrations from Wales to this district, as communicated to them by Mr. David Evans, general manager of the Cleveland Iron and Steel Works (of Messrs. Bolckow, Vaughan and Co., Ltd.), at Grangetown, in Yorkshire. Mr. Evans expresses the opinion that the number of Welsh natives, especially in Middlesborough, is understated.

The immigration to English towns in other parts does not appear to require any special comment.

Welsh Emigration to English Agricultural districts.

But what about immigration to agricultural districts in England? This is not so easy to answer. However, a table is first given showing the proportion per cent. of the total natives of each Welsh county resident in England to the number still resident in their native county. Arranged in the order of their percentages they stand thus :—

Radnor	57·1	Anglesey	19·8	Merioneth	13·9
Flint	48·9	Monmouth	19·0	Cardigan	13·1
Montgomery	40·2	Pembroke	17·6	Carnarvon	13·0
Denbigh	31·8	Brecknock	16·5	Glamorgan	7.3
				Carmarthen	5·9

Some of the border counties (which are also largely English-speaking) naturally come first but (excepting Denbighshire) these are also counties that have recently diminished in their population.

Explanation of statistics as to Radnor.

The remarks of the Commissioners as to those counties which have supplied the largest proportions of emigrants to England may perhaps be quoted at some length :—

"The result in actual numbers has been, that out of 33,046 natives of Radnorshire enumerated in England and Wales, only 16,191 were in 1891 living in the county, that is to say, over one-half of those born in the county had left their homes for England or elsewhere. That a very large proportion of these were agriculturists, both before and after their migration, may be seen from the fact that as many as 6,844 natives of Radnorshire were enumerated in the West Midland counties of Gloucester, Salop, Stafford, Worcester, Warwick, and Hereford, the last-mentioned county alone having 3,933. Similarly, over 19,000 persons born in Montgomeryshire had migrated to England, of which number Shropshire alone had received as many as 6,716, most of whom we might assume to have been agriculturists.

The counties of Flint and Denbigh, cannot be said to be so exclusively agricultural, and as the migration has been for the most part to Cheshire and Lancashire, where industries other than agriculture largely prevail, we would not be justified in drawing any conclusion from these figures, except to point out that the intercourse with English districts is not so free as in the case of Radnorshire, so far as an inference may be drawn from the population statistics.

Anglesey.

What may be fairly considered as surprising in the preceding table is the high place occupied by Anglesey, which, if the actual figures be substituted for the percentage, would stand thus :—Out of 60,348 natives of Anglesey enumerated in England and Wales, 42,775 were enumerated in their native county and 8,467 in various parts of England. Here, however, we find that though the chief industry of Anglesey is its agriculture, still most of those who left for England did not do so in order to follow an agricultural occupation in their new homes. Out of the 8,000 odd who were enumerated in England, over 5,000 were returned as being in Lancashire, and we might also add a very large proportion out of that number is settled in Liverpool itself. Long before Anglesey was connected with the mainland by means of the tubular and suspension bridges, a free and frequent communication existed between it and Liverpool by means of coasting vessels, and many of the flourishing merchants on the banks of the Mersey originally hailed from the island county. That connection, it

is evident, has been maintained and extended, so that to Anglesey folk Liverpool remains, as it has always been, so far as their business relations are concerned, the metropolis of North Wales.

The much higher percentage of migration to England from the North Wales counties generally is to be chiefly accounted for by the fact that in South Wales the surplus population find remunerative employment in the great mineral industries of Glamorgan and Monmouthshire, and need not therefore cross the border into England in such proportionately large numbers as do the natives of North Wales, who, in the absence of similar industries within their native area on anything like the same scale, flock to the chief towns and industrial centres of Lancashire and Cheshire. Of the agricultural counties of South Wales it is interesting to notice that the number of emigrants to England have been proportionately greater from those in which the knowledge of English most extensively prevailed.

The case of Radnorshire we have already dealt with. Brecknockshire has also sent large numbers of its agriculturists to the adjoining midland counties, 1,108 of its natives being enumerated in Herefordshire, and about 450 in Gloucestershire.

Pembrokeshire

Pembrokeshire in 1891 had 17·6 per cent. of its enumerated natives settled in England. In other words, out of 115,013 natives of the county enumerated in England and Wales, 13,217 were enumerated in various parts of England. A large number of these were undoubtedly agriculturists if we might infer anything from the character of the English counties in which they were enumerated. There were, for example, about 500 natives of Pembrokeshire in the eastern counties of Essex, Suffolk, and Norfolk, over 400 in Somerset, about 160 in Wilts, and 100 in Dorsetshire, not to mention Devonshire with 650, a number considerably swelled by the presence of Pembrokeshire-born men at Devonport and Plymouth. In the Midland counties there were also about 200 in each of the counties of Stafford, Worcester, and Warwick, 154 in Herefordshire, 109 in Shropshire, and close upon 900 in Gloucestershire. (p. 61.)

In the English-speaking districts of South Pembrokeshire a considerable replacement is quietly taking place in the agricultural population, in fact, the Welsh people are gradually effecting a peaceful reconquest of the southern half of the county; the English-speaking farmers are migrating to England in proportionately larger numbers than the farmers of any other county in Wales are doing, while Welsh-speaking farmers from North Pembrokeshire, and from the counties of Carmarthen and Cardigan, are eagerly pushing down to take the place of the South Pembrokeshire emigrants. Mr. W. Gibbs, speaking as to the Castlemartin district around Pembroke, for example, said that farmers had gone thence into the counties of Hereford, Wilts, Hants, Berks, Buckingham, and Gloucester. On the other hand, a witness who was giving evidence with reference to the Welsh-speaking portion of Pembrokeshire, said: "There are a few "instances of people going off to England—not a great number—but I must "say there is a good deal more Welsh going down among the English of "Pembrokeshire than the English going among the Welsh. There is a "little of both." He further added that "the old Englishmen are going from South Pembrokeshire; they are losing ground." The Welsh farmer of the North goes down to the English-speaking part of the county whenever an opportunity offers; "when he can go he will go." (p. 62.)

Montgomeryshire.

Further extracts are also given from the evidence to illustrate the migration of farmers from one part of Wales to another, or into England. A Montgomeryshire witness, the Rev. Edward Griffiths of Meifod, is quoted (p.63), as saying at Llanfair Caereinion, "that Mr. Gee of Denbigh has been "recommending Welsh farmers to turn their faces towards "English counties, but they have a great reluctance to do

" so, because they would lose their religious privileges—their " chapels, the preaching, and so on, in their own language. " There are farmers present who have told me that they " would have gone to Shropshire but for that reason. They " have children there, and they complain of nothing but the " want of religious privileges as we call them." On being further questioned he said that though reports of financial success came from those who had migrated, yet, " in the other sense they complain bitterly—they are like the Jews in Babylon."

Conclusion as to agricultural migration.

The Commissioners, finally state their conclusions in these terms (pp. 63-5):—" An expression used above seems to represent very accurately the tendency of many Welsh farmers of recent years: they " turn their faces towards the English counties," in other words, many remove from the western to the eastern counties, and eventually, after a few years' residence on the border, they, or at all events their children, cross it to settle in England. Carmarthenshire farmers move on to Brecknockshire and Monmouthshire, as we have already seen, and these, in turn, push further eastward to the English counties. Similarly in Montgomeryshire the upland farmers move down to the lowland districts of the Severn and Vyrnwy valleys, where they replace other farmers who had migrated to Shropshire or some other English county. . . . "But the typical Welsh farmer feels the utmost reluctance to emigrate to England, even though there may be a pretty sure prospect of his being able to better his circumstances by so doing. Very rarely does he make the removal of his own free will. Practically in all the cases where a tenant's migration to one of the English counties was specifically brought to our notice, it was subsequent to, and in consequence of, what he considered as unfair treatment on the part of his landlord. In many a case nothing short of eviction and sheer inability to obtain another holding could possibly induce the Welsh farmer to go beyond the limits of the Principality. The most obvious cause of this reluctance is the linguistic difficulty, very closely connected with which, however, are the religious considerations referred to in the evidence we have quoted. In fact, the Welshman's attachment to his home and native country is a very complex feeling, which it would be extremely difficult to analyse satisfactorily.

Difference of "customs."

" But in addition to this attachment, there is one other very serious obstacle which deserves mentioning. The date of entry and the custom of the country regulating the rights of outgoing and incoming tenants respectively, differ in many

of the border counties of England from the custom of particular districts in Wales. Thus in the greater part of South Wales, especially in the Welsh-speaking counties, the tenancy terminates at Michaelmas, while in most of the Midland counties of England the entry to the land is in the spring of the year, either at Candlemas or at Lady Day, while the house is not vacated by the old tenant before May Day. This makes it a matter of very considerable difficulty for a farmer, from Carmarthenshire for instance, to remove to Herefordshire, as he would be without a dwelling-house for a period of 8 months, viz., from Michaelmas to May Day, and for more than one-half of that time (from Michaelmas to Candlemas) he would be without any occupation.

"The alternative would be to enter on the Herefordshire farm in the spring of the year and keep on his old farm until the Michaelmas following, but this would require his attention to both farms at the same time for many months, and would necessitate the possession of a larger capital than most farmers are credited with. The custom of the greater part of North Wales does not, however, differ so widely in this respect from that of the adjoining English counties.

Immobility of Welsh farmer's capital.

"There is, therefore, one economic conclusion which we cannot help arriving at, after considering the small extent to which Welsh farmers migrate to England, and that is the very great immobility of their capital. The labourer can and does migrate without much reluctance to a district where he thinks he can do better, especially as he need not, as a rule, go beyond the borders of the Principality for the higher wages which he seeks. Nor does the Welsh landowner either experience any difficulty if he wishes to dispose of his property, for if he offers it for sale in suitable lots, there is no lack of competition for them. With the farmer, however, it is different; if he wishes to pursue the same calling in some other part of the country, he finds it a matter of the greatest difficulty to transfer his capital from one place to another, and it is no wonder that under the circumstances he, therefore, prefers as a rule to remain on where he is, however hard his lot and heavy his burden."

4.—THE PERIOD OF AGRICULTURAL PROSPERITY AND OF POLITICAL EVICTIONS (1850-1880).

The account which has been given above of the Rebecca riots will have suggested to the reader that the low-water mark of Welsh farming was probably touched during the early forties, and that soon after 1846 the tide began to turn.

There occurred about this time many things which profoundly affected the agricultural industry. These events form part of the general history of the country, and therefore need but a brief reference here. The year 1845 proved one of the rainiest on record. In some districts the sun was scarcely seen from the month of May till the following spring. A terrible rot set in among potatoes, and every crop was more or less blighted. All classes were, for once at least, brought face to face with the prospect of a famine, which, in Ireland, was allowed to sweep away its thousands. Then people began to realise on what precarious principles the food supply of this country was obtained, and how much more secure against famine we should be if foreign countries should raise corn for us every year, instead of being called upon to supply us out of their own stock or from an accidental surplus. When people were once brought to think in this manner, the old system of trying to maintain the price of corn at a figure satisfactory to the agricultural interests, by closing the ports against foreign supplies, was at once doomed, and the Repeal of the Corn Laws was carried in the summer of 1846. After this year the seasons began to improve, but we would probably be not far wrong if we say that it was about 1850 that this combination of circumstances commenced to work a marked change in the position of agriculturists.

Repeal of the Corn Laws and its effect.

Though at the time unpopular with the farmers, the Repeal of the Corn Laws put an end to the great fluctuations in the price of corn and other necessaries. But it also wrought, gradually, a great *political* change in Wales. So long as the Corn Laws were continued, both landlords and tenants were bound together in the support of what they believed to be their common interest. When the duties on imported corn were abolished, beyond hope of re-imposition, there remained no very obvious reason for maintaining the alliance. The result was that the farmers of Wales drifted away, politically, from their landlords, and ere long the Parliamentary representation of the counties underwent a striking change. This necessitates a considerable digression on our part, so that we may follow the Commissioners in their endeavour "to trace briefly the history of the modern political representation of Wales" in so far as it throws light on their inquiry (p. 159).

"The most prominent fact in this connection appears to be that it is only within a comparatively late period that the Welsh people have commenced to take an intelligent and absorbing interest in politics. Prior to the religious revival of the last century the bulk of the people were content to

leave the decision of political questions to the members of the great county families, who, by tradition or accident, had come to espouse one side or the other in politics, and held it as a matter of hereditary honour to contest the representation with each other. 'Whatever enthusiasm the people therefore felt in electioneering struggles was less that of citizens contending for their rights than of clansmen vehemently battling for their respective chieftains.'*

Sketch of Parliamentary representation of Wales

"During the 350 years or so of its Parliamentary representation, Wales has, as may be expected, shown a remarkable preference for members of its own nationality, scions of its ancient county families. Nothing is more striking, perhaps, than the way in which these families 'supplying the Members of Parliament were connected together; not only the same families representing the same constituency for many generations, as frequently happened, but also extending their influence over several constituencies, in different counties, forming by ties of kindred or marriage a perfect network of relationship.'"†

This state of things continued till well on in the present century. The full effect of the Reform Act of 1832 was not felt till many years after. The leaders of the Calvinistic Methodists held aloof from, and even censured, political agitation in the thirties. But by the middle of the century their attitude had greatly changed, and that soon helped to change the representation.

It was in 1852 that the first Nonconformist (of modern time) was returned from Wales to Parliament, in the person of Mr. Walter Coffin, who sat for Cardiff, but after his resignation in 1857 there were no further Nonconformists elected until 1868, when, presumably as a result of the further extension of the franchise in 1867, three Nonconforming members were returned from Wales.

The distribution of the representation of Wales between the two great parties in the State, as the result of the general elections which have occurred since 1859, may be seen from the following Table :—

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* Henry Richard's *Letters on Wales*. First Ed. (p. 80).

† W. R. Williams, *Parl. Hist. of Wales* (p. 4).

POLITICS OF WELSH M.P.'s., 1859-1895.

——	1859	1865	1868	1874	1880	1885	1886	1892	1895
Cons. Boro's	6	4	2	3	—	2	3	2	6*
Mem. Co.'s	12	11	8	11	4	2	2	1	3
Total Cons....	18	15	12	19	4	4	5	3	9
Lib. Boro's	9	11	14	13	16	10	9	10	6
Mem. Co's	5	6	9	6	13	20	20	21	19
Total Lib....	14	17	21	19	29	30	29	31	25

* One of these is described as a Liberal Unionist, having sat as a Liberal in a former Parliament.

The Commissioners further observe that "the extension of the franchise of 1832, and still more so that of 1867, had made some slight change in the character of the representation by the exclusion of members of the county families, especially in the boroughs, while in the counties the abolition of the Corn Laws had tended to a similar end. It remained, however, for the General Election of 1885, following after the third Reform Act, to complete the transformation in this respect, with the result that since then it could scarcely be said that at any time more than five at most of the Welsh M.P.'s were connected with the families of the great landed proprietors of the country." In the last Parliament (1892-5) there was only one member returned from the whole of Wales who could really be described as a representative of the old county families, the great majority being professional and business men.

Methods of conducting elections.

Turning from the general results of Welsh elections to the methods of conducting them, the Commissioners begin their review with the Reform Act. Two classes of people were disappointed after its passing, viz.:—(1) Those who had erroneous and exaggerated ideas as to its provisions, and expected it to bring about reductions in rents; and (2) The more independent of the newly enfranchised who found, to their dismay, that they were expected to vote with the landowners and not according to their own judgment. To illustrate the manner of conducting an election at this time, an

account is given (p. 161), based upon *Hansard*, of an election held in 1837 in Carmarthenshire, the circumstances of which were shortly afterwards discussed in the House of Commons.

Carmarthenshire Election, 1837.

"The two seats for the county in question were closely contested, and a very large proportion of the whole number of registered electors were polled. The Earl of Cawdor, who was the largest landowner in the county, had in former elections supported Sir J. H. Williams, of Edwinsford, but his support was on this occasion withdrawn owing to the fact that Sir James Williams had declared himself in favour of the voluntary principle as applied to religious institutions. His lordship's chief agent sent out numerous letters, peremptorily ordering the tenants to give "a plumper for Colonel Trevor," one of the other candidates. After the election a petition was sent to the House of Commons complaining of this interference on behalf of a peer, and on the 12th June, 1838, Mr. Warbuton brought forward a motion (which after considerable discussion he withdrew) censuring this action as a breach of the privileges of the Lower House.

"The facts brought out in the discussion were as follows: Four tenants in the district of Llandilo who happened to be in arrears with their rent, declined at first to vote for Trevor, whereupon the agent informed them 'that as they were so very independant and so very ungrateful for the indulgence and favour shown to them by their landlord, he hoped to receive their rents to Lady Day last on his return to Llandilo, and then he should see what further was to be done in the matter.' Sir James Graham, who was then member for Pembroke Dock, defended Lord Cawdor's action. He admitted that the letter in question contained 'expressions of a very unguarded nature. It alluded to a threat respecting rent, but . . . . most improper means had been resorted to to swerve the judgment of Lord Cawdor's tenantry, and it became indispensably necessary to take steps of a stronger nature than were usually resorted to. But what had been the result? Had any parties suffered? It was admitted that the tenants were in arrear of rent, they continued so still; they were tenants at will. Had they been ejected? No such thing. One of them had been even rewarded—he had been made an officer of excise in the neighbouring town.'"

From this statement it is concluded that most probably there was no well-authenticated instance of a tenant having been evicted in consequence of his attitude in the preceding election of 1837, or it would have been made public at the time. But it is also inferred, from articles in the Welsh press, that the possibility of eviction, or differential treatment was present in the minds of the people at this time, a view deriving support from the fact that Mr. Abadam, a Whig landowner of Carmarthenshire, issued in 1835 a Welsh address in support of the ballot which was also advocated by some of the Welsh magazines. Nevertheless, there is some reason for believing (the Report says) that the general use of eviction as a weapon of political warfare was not suggested till a few years after this date in the heat of the agitation against the payment of Church rates.

Growth of interest in politics.

"But the Welsh people do not appear to have been fully roused from their political torpor or indifference until quasi-religious questions were more or less involved in the larger

issues which were presented to them for decision, whether in local or Parliamentary elections. Then their staunch Nonconformity led them to support their cherished principles even at the risk of incurring the displeasure of their landlords. Perhaps the first notorious example of this occurred in connection with the election for Merioneth in 1859, when the Conservative candidate (the late Mr. Wynne, of Peniarth), who received the fairly unanimous support of the landowning class, was obnoxious to many Nonconformists owing to his alleged Puseyism. A more general issue, which appealed with greater directness to the whole of the Welsh people, arose in 1868, when the question of Irish Disestablishment was before the electorate. On the former occasion in Merioneth, and on the latter in other parts of Wales, very many tenants either abstained from voting or voted contrary to the wishes of their landlords. That any landlord would have gone the length of showing his displeasure, by evicting his offending tenants, does not appear to have been regarded by the tenants themselves as possible, far less as probable. The latter, accustomed as they were to a system of hereditary family succession in tenancies, felt themselves secure in the occupation of their holdings so long as they could pay their rents. If any one act or series of acts could be said to be responsible for the changed relationship which now exists between landlord and tenant in Wales as compared with what it was in the early part of the present century, it would undoubtedly be the political evictions which commenced in 1859.

The following are briefly the facts relating to the evictions which occurred in Merioneth :—

Political Evictions, 1859.

"Several Nonconformist tenant farmers in the district of Cwm Tir Mynach on the Rhiwlas estate who remained neutral at the election had to leave their farms. Two of those who so suffered were recognised by common consent to be about the very best farmers on that estate. Ever since then the residents of that district have acquired the reputation of being more afraid of their landlord than perhaps any tenants in the county. The example of the Rhiwlas estate was immediately followed on Sir Watkin W. Wynn's Glanllyn estate in the parish of Llanuwchllyn. Here seven tenants, who were nearly all "leading men in the chapels," and who had voted for the Liberal candidate, had to leave their farms, some of which were thereupon let to Churchmen and supposed Conservatives. One of the evicted was a widow then in her seventy-sixth year, the mother of the Rev. M. D. Jones, Principal of the Independent College, Bala, the supposed reason in her

case being the fact that her son had taken an active part in the election on the Liberal side. The eviction is popularly believed to have hastened her death, which occurred some two months after. On the same estate seven other Nonconformist tenants who refrained from voting for either candidate had their rents raised by sums of varying amounts.

Public condemnation of the evictions.

In order to show the strong public feeling produced in the neighbourhood of Bala by these evictions two resolutions passed at a public meeting held at the Town Hall, Bala, in August 1859, are then quoted by the Commissioners. The first, which was moved by the Rev. Lewis Edwards of Bala, "perhaps the greatest Welsh leader of this century," was as follows :—"That this meeting, having in view the harsh pro-"ceedings which the recent contest has given rise to in this "neighbourhood, and regarding the object thereof an attack "upon freedom of election, and to terrify tenant voters into "a slavish submission to the dictation of the landlord, pledges "itself to use every fair and constitutional means to defeat "those ends." The second resolution ran thus :—"That this "meeting, deeply and sincerely sympathising with those "tenant voters who at the late election nobly refused to de-"mean themselves by voting against the convictions of their "consciences, and who by so acting have incurred serious "material losses, resolves to set on foot a penny subscription "throughout the kingdom generally in order to mark the "sense of a free and enlightened British public of such heart-"less treatment at the hands of their landlord."*

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* For fuller particulars of these evictions, *see* Report of Select Committee on Parliamentary Elections 1869 (Questions 6,541-6,816; 8,492-94); Hansard, *Parl. Deb.*, 3rd S., Vol. 197, p. 1316; Henry Richard's Letters on Wales (2nd Ed.), pp. 117-9; contemporary reports in *Baner Cymru* summarised in Appendix C. *See also* the evidence of the Rev. Ivan T. Davies at Qu. 6832 *et seq.*; Mr. J. Thomas (one of the evicted tenants, who 10 years after, was re-accepted as tenant on the Wynnstay Estate, on which he still resides) at Qu. 7681 *et seq.*; Mr. T. E. Ellis, M.P., at Qu. 16,910 *et seq.*; and Mr. Thomas Gee, at Vol. IV., p. 461.

One or two further facts, not mentioned in the Report, may be here added with reference to Merionethshire elections. Previous to 1859, there had been no contest in the county—except in 1836—since the middle of the 17th century, a fact which may account perhaps, for the intense party feeling exhibited in 1859. The seat was won by a majority of 38 by Mr. Wynne, the Conservative candidate, but a petition against his return was promoted, and referred to the House of Commons Committee of Elections, but it was subsequently not proceeded with. In the following election of 1865 Mr. Wynne's son (the present Mr. Wynne, of Peniarth,) was returned by a majority of 31 over the same candidate, Mr. David Williams, a local solicitor. In 1868 Mr. Wynne, junr., again came forward, but after a canvass he retired from the contest, and Mr. Williams was returned unopposed. Since 1868 the seat has been uninterruptedly held by Liberals.

The Report then proceeds thus (p. 163):—

"'In the election of 1865 the landlords in this district 'stood in the Town Hall to watch their tenants vote; all the 'tenants (except one) on these two estates voted for the 'Conservative candidate, and this decided the election.'" Shortly after, petitions from Merionethshire electors were sent to the House of Commons praying to be relieved of the franchise, or to have the ballot adopted. A similar petition had been presented by electors of Montgomeryshire boroughs in 1852, complaint being made by them of the "habitual and systematic terrorism" which they suffered. No well authenticated case of political eviction or of the differential treatment of tenants owing to their political or religious opinions was, however, brought to our notice as having occurred subsequent to the year 1865 in the neighbourhood of Bala, to which most of the foregoing remarks refer. The former local sub-agent of Sir W. W. Wynn's estate in that district, in fact, informed us that in the later period of 19 years, extending from 1869 to 1890, out of about 27 complete changes of tenancies which occurred on that part of the estate, Nonconformists followed Nonconformists as tenants in 22 cases, while in one case, of which, however, the agent was not quite certain, a Nonconformist followed a Churchman, but in the remaining four cases the new tenants were Churchmen, their predecessors also being, in at least two cases, Churchmen."

This, therefore, was the first instance of political evictions in Wales, on a sufficiently large scale to secure general publicity. The Commissioners, however, observe that there also occurred about the same time "a few evictions connected with religious conduct." An extreme example of the kind took place in North Cardiganshire, where a Miss Mary Morice, the owner of the Carrog Estate, Llanddeiniol, sent to her tenants, in April 1860, a circular letter containing these words:—"I feel myself morally bound to set before you two alternatives, and "you are at liberty to choose for yourself, namely, to attend "our church service with your family and thus to support its "principles, or otherwise (if your conscience will not allow "you to comply with my request) you must quit the farm "which you now hold of me." At that time there were on the estate 14 families of farmers and 13 of cottagers, who were all Nonconformists, there being only 2 families of farmers and labourers respectively who were Churchmen. All the former appear to have accepted the terms imposed on

Religious evictions.

them by their landlady, excepting two farmers who had, therefore, to quit their farms in September, 1861.

Evictions subsequent to the Election of 1868.

"But (the Report says) it is the general election of 1868 that is most notorious for its association with political evictions in Wales." The account which the Commissioners give of these evictions has all the appearance of a carefully verified bit of history, based not only on the evidence of their own witnesses, but also on the contemporary information contained in the evidence given by Welsh witnesses before the Select Committee of the House of Commons on Parliamentary and Municipal Elections in 1869.

Henry Richard's statement.

"In addition to this, the allegations concerning these evictions were publicly stated and allowed to pass unrefuted in the course of a debate which took place in the House of Commons on 6th July, 1869, on a motion introduced at the request of the other Liberal members from Wales, and after notice given, by Mr. Henry Richard, then M.P. for Merthyr Tydfil, calling attention to "the proceedings of certain land-"lords in Wales towards their tenants on account of the free "exercise of their franchise" at the previous election. From inquiries that had been instituted*, he stated that "there were 43 cases in Cardiganshire in which it had been "ascertained upon evidence which must satisfy any impartial "mind that (tenants) had received notices to quit, served "upon them for no other cause but that they voted according "to their consciences." Among these was the case of one tenant, who, seven years previously, had to leave a farm which he then held on the Carrog estate already mentioned. There were also 26 similar cases in Carmarthenshire, "some "of which were of a most touching and heartrending charac-"ter. Many of the farmers had been long on the estate, and "some of their families had been in possession of the farms "for 200 years."

"These were followed by fresh batches of evictions in 1870 and 1871, which included five tenants on the Llanfair estate and eight tenants on the Alltyrodyn estate.†

Action of Cardiganshire landlords.

"It was alleged in evidence before us (the Commissioners continue), that 'there was a widespread rumour' that a meeting of landowners and agents for the county of Cardiganshire, 'was held at Aberayron in the spring of 1869, at which it was agreed (1) that all tenants who voted

* Some further account of the inquiry set on foot by the Welsh members may be found in an article written in 1888 by Mr. Richard, and published in *Cymru Fydd* for February 1888.

† Speech by Mr. Henry Richard on the third reading of the Ballot Act, 8th August, 1871 (*see* Hansard *Parl Deb.*, 3rd S., Vol. 208, pp. 1131-8, and compare also the evidence at Qu. 44,274).

for a Liberal candidate on the November previous should be evicted, (2) that all who remained at home that day should have their rents raised, (3), that, where possible, no farm should be let to Nonconformists, and (4) that new churches should he built in several districts.'

"No positive evidence as to the holding of any such meeting was given; but we may mention that Mr. Morgan Evans, of Oakford, a Justice of the Peace for the county of Cardigan, told us that he had some direct information given him as to the compact entered into by the landlords to evict the Liberal tenants after the election of 1868: 'Having to call on business early in the spring of 1869 at Noyadd, then occupied by Mr. Edmund Lloyd, he told me that if I knew what was to take place I should be sorry for the part I took in the late election. I asked Mr. Lloyd what he was referring to, when he replied that many of the landlords had joined to evict those tenants who voted for Mr. E. M. Richards, so as to stamp out this disobedience. 'I hope,' I said, 'in the interest of the poor tenants, that is not true,' and also made the remark that politically it would be the most foolish thing that the Tories could do. 'It is,' he replied, 'a fact,' and he named several estates in the district where it was to take place.'"

Cases in the district of Newcastle Emlyn.

"The chief cases of alleged eviction or differential treatment" brought before the Commission in connection with this election are then given, but we shall select only a few of the more typical ones for reproduction. It is first stated that Dr. Enoch Davies, of Llandyssul, speaking on behalf of the tenant farmers of the Newcastle Emlyn Union, furnished a list of the 8 tenants on the Alltyrodyn estate, and of 9 tenants on other estates who were at the time evicted, as well as of 7 tenants (all within the same Union) who had suffered an increase of rent after the election. Two of the last mentioned group of tenants, now in advanced years, told the Commission "the story of their treatment and how the notices to quit were withdrawn by their paying certain advances in their rents."

"Some of the evictions, (according to Dr. Enoch Davies,) were attended with exquisite cruelty. People who had spent a lifetime on their farms were turned adrift; young people just started in life were made homeless. Women within a month of their confinement had nowhere to lay their heads. One case—that of David Jones of Ffynon Llywelyn, on the Alltyrodyn estate—was peculiarly sad. After his eviction, David Jones failed to get a farm anywhere, and having a wife and three grown-up children, determined to emigrate to the

States. Mr. and Mrs. Jones had buried four children in this county." "On the voyage," said another witness, (Dr. Pan Jones) who had been to Liverpool to see them off, "the chil- "dren were taken ill of the small-pox, they were confined to "the hospital on board, and from there removed to the hospital "on Long Island, where in a few days the three died and "there buried unknown to their parents, who, when they "were informed of the fact, returned broken-hearted to Wales "by the first vessel," and the mother died some three months "after." The Commissioners here exhibit some little nervousness, lest it should be assumed that they endorse, in every detail, the tone and language of these statements, and they therefore make the following reservations:—

(1) "We have thought, in referring to this case by way of illustration, that it would be better to give the exact words of the witnesses. We do so not with a view to its being supposed that we endorse the terms of the evidence, but because it appears to us to afford an illustration of the mental attitude of the witnesses who appeared before us in regard to these transactions."

(2) "We have been unable to verify the facts in every case, (cited by Dr. Enoch Davies) but while the evidence appears to be accurate in regard to some, we think it right to mention that as to others there is grave doubt as to whether they were actually evicted in the sense of having to leave their holdings." And from other parts of Cardiganshire.

A large number of other Cardiganshire instances is moreover given of tenants alleged to have been evicted on the Pigeonsford, Pentre, Highmead, Nanteos, Crosswood and Fronfraith estates (p. 166).

As to the district of Aberayron, it was stated that "the "names of the Reverend David Evans, Penrhiwdrych; "Messrs. William Richards, of Rhydalen, Morgan Jones, of "Cefngrugos, and John Davies, of Gofynach fach, are still "held in great respect, as they had to leave their holdings, "but they were not by any means the only sufferers in the "district on that memorable occasion." The three last mentioned were tenants on the Llanina estate, and "were as good "farmers as any on the estate; they had to leave without "any compensation for the improvements made by them. "In 1868 there were about 20 Nonconformist tenants on "this estate to five Conformists; but (according to Mr. J. C. "Jones of Llanarth) the process of elimination had taken "place gradually but surely, until in 1890 there were eight "Nonconformists to 16 Conformists."

The tenants of the Derry Ormond estate were, before the election, threatened with eviction if they "refused to vote according to Mr. Jones's wish," the agent's circular letter to that effect being produced in the House of Commons Debate already mentioned.

Carmarthenshire.

Leaving Cardiganshire, which by no means stood alone on that occasion, the Report proceeds thus (p. 166):—

"Instances of a similar kind might be cited from several other Welsh counties, in which there were contested elections in 1868. Among the 26 evictions which followed in Carmarthenshire, there were, for example, as many as five tenants on the Falcondale estate who were turned away from their farms in the small district of Cayo, in the north of the county. 'These men were supposed to be leading Liberals, 'and were replaced by Conservatives from the neighbour-'hood of Lampeter, most of whom, however, have by this 'time retreated.' It was also suggested that no compensation had been paid to any of these five tenants in respect of their improvements; but in reply thereto, it was stated as to one of them, that he sold the crops of his farm for two years running, while the Carmarthenshire custom allows only one year's crop to be sold.

Carnarvonshire.

"In Carnarvonshire, the Reverend John Owen, who, in addition to being a well-known Nonconformist minister, and a popular writer on agricultural matters, was probably at the time unsurpassed in the whole of North Wales as a farmer who combined practical with scientific knowledge, had to leave his highly cultivated farm of Ty'nllwyn, on the Vaynol estate, after he voted for the Liberal candidate. The explanation given by the present agent, who, however, came to manage the estate many years afterwards, was that Mr. Owen's holding was required as a home farm for the landlord, but it appears that, as a matter of fact, he kept it on his own hands for some 10 or 11 months only. 'Public opinion,' it was said, 'clearly pointed out this as an instance of the 'persecution that went on after the election of such farmers 'as had opposed their landlord's will.' Mr. Bryn Roberts, M.P., in his evidence, endorsed this view by mentioning this case as being decidedly a "capricious" eviction.

"In many cases, however, the notices to quit which were served on tenants soon after the election were subsequently withdrawn, but fresh ones were given from time to time a few years after. 'Looking back over that time to the present day, I find those who then received notices have since, almost without exception, been cleared off the (Gwynfryn) estate on some pretext or other.' This was the statement made to us by Mr. David Jones, of Brynllefrith, near Llangybi, who said that in common with all other tenants in those parts who had voted for Mr. Jones Parry (the Liberal candidate) he had himself received a notice to quit his farm

The notice was, however, waived, the landlord telling him 'not to make a fuss about the matter, as the notice was given only just to show who the master was.' Several years afterwards—about 1877—the tenant had to leave his farm after receiving another notice, no reason being assigned at the time. 'Neither the public nor myself ever believed that my eviction,' said this witness, 'was due to anything but revenge for my action in the election of 1868.' Several cases of a similar character were alleged to have occurred on the same estate, but the landlord, on being questioned by us on the point, could not emphatically deny their political origin. The only answer that he could make was that, 'to the best of his recollection,' no such notices had been given, but that he left the details of such matters to his agent to carry out, and, as the agent was dead, he himself could not recollect.

"In another part of the same county, namely, on the Gwydyr estate, which was then the property of Lord Willoughby de Eresby, notices were served upon several tenants about 1869, and it appeared to be the ineradicable opinion of the tenantry in that district that these notices were given owing to the tenants having voted Liberal in the election of the previous year. Five Liberal and Nonconformist tenants had to leave their farms, the matter obtained much attention in the public press, and it is clear that these evictions were regarded at the time as having a political origin, inasmuch as the evicted tenants were assisted out of an eviction fund which was raised by members of the Liberal party. One other tenant, a Nonconformist minister, also received notice, but he refused to leave his holding. At least two of the farms so vacated were let to members of the Church of England. As to one of the evicted tenants, Mr. Elias Owen, who was described by the trustee (of the property) as 'probably the richest and most influential man in the parish,' it was stated that he held three farms on the estate amounting to 1,876 acres, and that he was re-offered the largest of these (measuring 956 acres) at a rental of £50, but declined it; this farm was, however, described by Mr. Elias Owen's son as situated 'at the top part of the mountain and the top of the 'parish, with no house fit to live in.' One of the trustees of the estate (Mr. Warren) offered the explanation that these notices were given with the object of revising the rents, and asserted that 'though most of the tenants voted for the 'Radical candidate, no notice was taken as to which way 'they voted, so far as he was aware, after the election.' A circular letter sent by the trustee in question to each tenant on the estate had, however, been quoted in the House of Commons in course of the debate already mentioned: 'I feel 'it necessary,' so the letter ran, 'to explain that Lord 'Willoughby d'Eresby is a Conservative, and gives all his 'support to Mr. Pennant, and therefore does not consider it

'right that you should allow yourself to be led by others to 'vote against the interest of the estate on which you live 'and against the wishes of his Lordship.'

Reality of panic.

"The reality of the panic into which the Welsh tenantry generally were thrown by these evictions is amply borne out by those who took part in the debate. For instance, Sir Thomas Lloyd, of Bronwydd, who described himself as one of the four Whig landlords of Cardiganshire, stated: 'Many of 'the people of Wales dread the coming 29th of September, 'but this debate would not have been in vain if it resulted 'in the restoration of a more cordial relationship between 'landlord and tenant in that part of the country.' Mr. Henry Richard, on the other hand, predicted that there would arise throughout the Principality 'a cry loud, clamorous, and importunate, for a tenant-right law for Wales, such as had been given to Ireland.'

A National relief fund raised.

The sequel of these evictions was described by Dr. Enoch Davies, of Llandyssul, as follows:—"As a result a feeling of "indignation was roused throughout the country; public "meetings were held to protest against the landlords' con- "duct, and to express sympathy with the victims. One such "meeting was held in London on February 7th, 1870, pre- "sided over by the late Mr. Samuel Morley, M.P., one of the "principal speakers being the late Serjeant Parry, the latter "remarking 'that it was almost incredible that the things "'which had taken place in Wales could occur in the latter "'half of the 19th century.' A conference had been pre- "viously held at Aberystwyth (on the 16th of November, "1869), at which the following resolution was passed:— "'That this meeting deeply sympathises with the anxieties "'and sufferings of those who have been evicted from their "'holdings, or otherwise injured in their circumstances "'in consequence of the conscientious exercise of the fran- "'chise at the late elections, and pledges itself to aid the "'fund that is now being raised with the view of compen- "'sating them, so far as possible, for the losses they have "'sustained.'"

"In the absence of any "custom" of the country, these tenants were unable to claim any compensation for unexhausted improvements. With the view of assessing their losses in this respect, assessors were appointed to act for each county and to report on the cases of evicted tenants to the association which had been formed at Aberystwyth, and which succeeded in raising an "eviction fund" of several thousand pounds. The sum of £150 was thus paid to a tenant who had been evicted on the Nanteos estate

and payments were also made to the five tenants who had to leave their farms on the Gwydyr estate."

5.—*AGRICULTURAL DEPRESSION AND AGITATION FOR LAND REFORM.*

The preceding section was devoted almost wholly to the account which the Commissioners give of the political evictions associated with the elections of 1859 and 1868. This section on the other hand will be devoted, broadly speaking, to the events that have happened subsequent to 1868. But the election of 1868, it may be remarked, took place nearly a quarter of a century prior to the appointment of the Welsh Land Commission, and all the evictions that could be directly attributed to it must have been carried out fully 20 years, at least, before this inquiry. Moreover, in 1871, the Ballot Act was passed, and all the evils of open voting were surely done away with by that Act. What is therefore the use, and where is the relevance of recounting grievances which have become impossible subsequent to the Ballot Act, and therefore do not exist so as to require remedying at the present time? This is a view which many probably take with reference to the events described in the foregoing narrative; in fact it was clearly and forcibly put before the Commission by Col. Cornwallis West in the following terms (p. 170):—"I consider the statements made "by Mr. Thomas Ellis, M.P. (that tenants are capriciously "evicted, and dare not appear on political platforms, and "that Nonconformist farmers have been got rid of simply "because they were Nonconformists), is utterly unwarranted "by facts, and, so far as the county of Denbigh is concerned, "I believe it would be absolutely impossible to find a single "well-substantiated instance of tyranny, either social or "political, in recent times, and I decline to go back 30 or "40 years ago, as many witnesses have been allowed to do, "when a good deal may have been done which legislation "and the more enlightened opinion of society has long since "rectified or rendered impossible. Part of the charge, if "true, would make out the Welsh farmer to be what I, at "any rate, have never found him to be, both subservient "and cowardly."

Relevancy of these evictions.

Col. Cornwallis West's opinion.

With reference to this the Commissioners observe:— "We may probably infer that this statement fairly represents the views of most landowners and agents, of whom but very few made any reference whatsoever to the political evictions of former days. The representatives of

Presumably shared by most owners and agents.

the larger estates, without a single exception, preferred to let 'the dead past bury its dead,' and as we have repeatedly referred in this portion of our report to the Wynnstay estate, we may here quote the words of its present chief agent on his first appearance before us at Bala: 'I wish to 'confine, with your permission, what I have to say entirely 'to what has happened during my time, when I am account-'able for it; I do not want to make a remark or say a word 'about the past. I have too great respect and veneration for 'the memory of the late Sir Watkin. Whatever I have done 'I will account for. I will not go back.' And later: 'I do 'not wish to say a single word about anything except what 'has happened during the time that Sir Watkin has thought 'fit to entrust me with his confidence.' The present representatives of several other estates on which political evictions were alleged to have occurred, assumed an attitude similar to that of Colonel Hughes, and preferred not to offer us any rebutting or explanatory evidence with reference thereto, though they exhibited every disposition to give us all other possible information, both as to the past history as well as the present management of their estates. This attitude may possibly be interpreted as implying a belief that the events of 30 or 40 years ago have faded from the memories of the present generation, or, at all events, have no practical influence on the present-day relations of landlord and tenant."

But not accepted by the Commission.

The Commissioners, however, state that they had "deemed it necessary to refer at some length to those circumstances in the past which brought the tenantry, as a class, into greatest antagonism with the landowners," in as much as they had, in the first instance and as a preliminary to their inquiry, to investigate historically the origin and subsequent development of the land question. With this end in view they verified their facts as far as possible, but nevertheless do not vouch for the absolute accuracy of every statement reproduced by them. "But it seems to us that the real importance of the incidents referred to is not based so much on the question whether an individual case was stated to us with absolute accuracy in every detail, but on what was the honest belief of the tenantry and the public generally with reference to such a case. If a tenant had to leave his farm under such circumstances as would lead him and his neighbours honestly to believe that he was so treated owing to his political opinions, even though the real reason in the mind of the landlord was a wholly different and a perfectly justifiable one, still, in the minds of the tenants, the event would be just as productive of a sense of insecurity, and of a bitterness of feeling, as if

the landlord had acted from the very motives attributed to him by the tenants. Moreover, people have unfortunately long memories for what they conceive to be their wrongs and grievances. Hereditary feuds between families live longer than similar ties of friendship. The result is that the beliefs of the tenantry as to what they conceive to be their wrongs — and no one wishes to deny or palliate the injustice and cruelty of evictions that followed the elections of 1859 and 1868,— those impressions have continued fresh in the memories of the few surviving tenants out of the many who were so evicted, while they have also been handed down as family traditions to their descendants, in whose minds, our evidence too clearly proves, they rankle with a bitterness that, unfortunately, has hitherto diminished but little with the lapse of time." (p. 170.)

The Commissioners therefore express their inability to accept Col. Cornwallis West's view as to the irrelevancy of an inquiry into the relations of landlord and tenant in Wales more than 20 years ago. It may also be pointed out that the Commissioners accepted another class of evidence of far greater antiquity, namely, the statistics presented by landowners and agents showing the continuity of families in the occupation of the same holdings for many generations and even centuries, and as these statistics were put forward with the view of illustrating the fixity of tenure which Welsh tenants enjoyed, it probably appeared to the Commissioners only fair and reasonable that they should also receive evidence showing that unpleasant exceptions to this continuity had occurred within the memory of many of the witnesses who spoke with reference to them. But at the same time, there is not exhibited in the Report any tendency to minimise the changes that have occurred since 1868:

Effect of legislation subsequent to 1868.

"We felt (the Commissioners say) that the present position of things could not be understood without reference to the past, and though ameliorative legislation has in the interval been passed which has materially changed the legal and civic position of the occupier, yet it has not had the effect of breaking entirely the continuity of historical development in the relations between landlord and tenant.

"As to this legislation, which, after all, is but the reflex of that 'enlightened opinion of society' alluded to by Colonel Cornwallis West, two if not three Acts of Parliament deserve to be specially mentioned as having contributed towards modifying the previously existing condition of things, under which political and other capricious evictions were possible. We refer to the Ballot Act of 1871 and the Agricultural

Holdings Act of 1875, as amended by the subsequent Act of 1883, while the Tithe Rentcharge Recovery Act of 1891 should also perhaps be added."

Ballot Act.

We shall first deal with the observations which the Commissioners make as to the results of the Ballot Act of 1871, which also happens to come first in chronological order.

"That Act, it is manifest, provided a very substantial measure of protection to those in the position of yearly tenants generally, and the strong public opinion which grew into existence about that time, in Wales and elsewhere, exercised a wholesome influence in preventing a repetition on any large scale of the incidents that followed the elections of 1859 and 1868. But the impression left by them was deep and lasting. The loss of several seats by Welsh Liberal candidates at the General Election of 1874 was generally attributed to a distrust of the ballot, while growing confidence in its secrecy has been claimed as an explanation for the Liberal gains in 1880, and at subsequent elections up to 1895. The complaints of undue interference with tenants in the exercise of their rights and duties as citizens tended therefore, from 1871 onwards, to become fewer and fewer; but they did not wholly disappear, for, subsequent to that date, there still continued to appear a few sporadic instances of owners or agents, in some part or other of the country, overstepping the proper limits of moral suasion, and, in extreme cases, resorting to the reprehensible method of intimidation, and, on a few occasions, even to eviction" (p. 168).

Political interference subsequent to its passing.

Several allegations of undue interference with the rights of electors, subsequent to 1871 are then referred to. The Rev. William Thomas, Congregational minister, of Whitland, Carmarthenshire, was obliged (so he said) to yield up the possession of some land he rented on a neighbouring estate owing to his refusal to vote—or to promise to do so—according to his landlord's request in 1874. Mr. H. A. Jeremy, who was formerly general Liberal organiser for the county of Carmarthen, deposed that a system of espionage had been resorted to at the time of elections, and "was resorted to even at the last election (? 1889), and tenants have had to suffer. Some tenants were even intimidated at the last bye-election in West Carmarthen (in 1889), and were asked not to go to the poll. I have received scores of letters informing me that they were afraid to attend a Liberal meeting, or to call at that committee-room on the election day, and assuring at the same time that they would vote straight. In the year 1880, I myself, at 1.30 a.m., met 39 voters in a disused building in the middle of the country, and, in order to con-

vince them of the secrecy of the ballot, conducted a sham election. So much afraid were they of their landlords that they dared not come to a public meeting or be seen with me."

Very similar evidence is quoted (p.169) with reference to the county of Montgomery. Mr. F. E. Hamer, formerly a local journalist in that county but now a sub-editor of the *Manchester Guardian*, said that it was a very common occurrence at Liberal meetings (during the general election of 1885 and 1886) to have requests made to him by farmers to omit their names from the list of those who were present, as they did not wish their landlords or agents to know they had been attending Mr. (now Lord) Rendel's meetings. The Rev. Owen Evans, D.D., formerly of Llanbrynmair, now of London, mentioned that owing to his own activity in 1880 in supporting the Liberal candidate just mentioned, he was indirectly deprived of the use of some fields which had been previously sub-let to him for a period of 13 years by a tenant of Sir W. W. Wynn, while a Newtown witness (Mr. David Hamer) alleged that abatements granted other tenants were refused him owing to the part he took in the same election.

An Anglesey journalist, who also fills the post of Secretary to the County Liberal Association, stated that he knew of many tenants who dared not attend Liberal committees and public meetings at the election of 1892 for fear of their landlords. Two instances of political evictions which were said to have occurred after the election of 1874 were also cited from this county.

But no wholesale evictions.

But, broadly speaking, these cases appear to be exceptional. In fact, referring to "the very substantial measure of protection" afforded by the Ballot, the Commissioners say (p. 171) :—"No more striking proof of this is required than the fact, universally admitted before us, that nothing in the nature of wholesale evictions had been carried out, or even attempted by any Welsh landlord subsequent to the passing of the Act. We have quoted so largely from Dr. Enoch Davies as to the evictions of 1868, that we are glad to be able to quote him once more as to the discontinuance, in his district, of that method of dealing with tenants. On being asked as to whether he considered the ballot a protection against any political influence with regard to the tenants, he promptly replied, 'Oh, yes! the fact that we returned our 'member last time (1892) with 2,000 majority proves that,' and he further added, 'I do not know of any political evictions,' subsequent, we presume, to the Ballot Act, 'and I doubt if there is a landlord that would really have the face

to evict a man for it now;' and though he added later on that 'the same terror' still existed among the tenants, and that he 'did not know when it would be obliterated,' he nevertheless characterised the Ballot Act as a "great protection' to voters.

Opinions as to inadequacy of Ballot Act.

"We could adduce the statements of many other witnesses somewhat to the effect, but this is happily unnecessary, as there can be no doubt that the Ballot Act so far as it went did, as a matter of fact, render impossible most of the abuses of power which characterised the days of open voting. But we may pause for a moment to inquire whether the protection it afforded is adequate to the circumstances in which tenant farmers are placed. Mr. Morgan Evans, of Oakford, another Cardiganshire witness whom we have also quoted before, expressed the opinion that the protection of the Act is 'not sufficient at all, because, for one thing, they go in 'now for keeping the voters at home. They know how they 'would vote if they were allowed to go to the booth, and the 'only secure way of managing it is to keep them at home.'"

A case from Carmarthenshire, which occurred in 1889, is then quoted, so as to illustrate the application of this method of electioneering. Five tenants, all known to be Liberals, were asked by their landlord, a Conservative, to abstain from voting. "So great was the pressure brought to bear upon them, that 4 of them acceded, while only one had the courage to go to vote and so to disregard his landlord's request."

"A Carnarvonshire tenant, who had himself received a notice to quit in 1869 owing, as he alleged, to his political opinions, would not give his assent to the suggestion that there is no longer any great ground to be afraid of such political interference in the future. 'The pressure on an 'elector in canvassing is so great that the Ballot Act is prac-'tically ineffective, and the belief is that the elector will not 'derive that benefit from the Ballot Act until canvassing is 'abolished.' Mr. Bryn Roberts also alluded to the fact that yearly tenants are 'not in a position to exercise their civic rights without fear,' and are consequently 'most of them Liberals by conviction and Tories by profession,' but he did not, however, advocate the same remedy as the preceding witness. The prohibition of all personal canvassing is, moreover, not likely to commend itself to the wisdom of Parliament as a remedy for the evil in question, and the same may perhaps be said also of the less drastic proposal to make it an offence under the Corrupt Practices Act for any person to ask an elector to abstain from recording his vote at an elec-

How to improve it?

tion, even though we may regard such abstention as a serious neglect of that duty which every citizen owes to the State. In fact whatever further protection against political interferences may be deemed necessary for tenant farmers should probably be looked for in the direction of an ampler security of their tenure rather than of any amendment of the law relating to elections."

Agricultural Holdings' Act.

"The second great legislative enactment which has modified the position of tenant farmers is the Agricultural Holdings Act of 1875 as amended by the Act of 1883. From one point of view it is difficult to exaggerate the importance of the earlier Act of 1875. It was the earliest legislative recognition of the principle that the tenant is legally entitled to have either the repayment or the value of the money spent by him on his holding. It was also the first unmistakable precedent for legislative interference with the so-called freedom of contract between landlord and tenant. 'As a foundation for future legislation—the 'thin end of the wedge—it was most valuable; as a solution 'of the question it was worthless.'* An honest attempt to remedy its defects was made by passing the subsequent Act of 1883, which, however, makes no alteration whatsoever in the position of the sitting tenant, its benefits being wholly confined to the outgoing tenant on quitting his holding. For the unexhausted value of specific improvements effected by such a person, the Act provides under certain conditions a large measure of compensation. But as we shall have occasion to point out later on when we come to consider the provisions of the Act more in detail, it does not apply to the ordinary acts of agriculture that the ordinary farmer, who has little or no capital, does. 'It is the rich tenant who 'gets the benefit of the Act,' says the same authority† whom we have already quoted, 'the poor tenant remains where he 'was.' The Act has, however, materially altered the legal status of the quitting tenant, but unfortunately its direct effect on the small occupiers who form the bulk of Welsh agriculturists has been comparatively trifling. In most Welsh-speaking districts the Act was described as a dead letter, its provisions were unknown or misunderstood, and it was a general belief, even among many of the better educated

* Willis Bund's *Agricultural Holdings Acts* (2nd ed.) p. 3.

† *Ibid.*, p. 15. Writing immediately after the passing of the Act, Mr. Bund said: "For the rich tenant who can afford to lay out money on "their farms it will certainly be a boon; but for the poor tenant who "lives from hand to mouth, who has no capital, who just struggles on "from year to year and can make no improvements, it is a very doubtful "benefit."

that landowners could and did contract themselves out of it. In all probability the greatest benefit which Welsh tenants have derived from the Act is an indirect one, namely, that on many estates fresh agreements have been drawn up and adopted, containing provisions as to compensation more in accordance with the spirit of the Act than those which were previously in force."

Tithe Recovery Act.

With reference to the third legislative change referred to, viz., the Tithe Rentcharge Recovery Act of 1891 it is observed (p. 172) that this also "has quietly effected a considerable improvement in the relations between landlord and tenant. It has made clear to all parties the fact that the tithe is the first charge on land and as such has precedence of the rent payable to the landlord. By making the latter responsible for its payment in the first instance, the tithe has been in many cases practically merged in the rent, and the tenant is therefore not conscious of its existence *qua* tithe, so that the inherent repugnance which most Nonconformists felt towards such a charge is not now aroused, owing to its indirect payment. One constant cause of much friction and ill-feeling between many landlords and tenants has thus been quietly, but, we trust, effectually done away with through the instrumentality of this Act."

After its passing, the tithe disturbances, which will be referred to presently, "were largely discontinued, except in a few isolated districts, more particularly in Cardiganshire, such as the parish of Pembryn, where forced sales and frequent conflicts with the police occur even to the present day."

The last stage in the history of the Land Question.

The Agricultural Holdings Act of 1883 and the Tithe Rent Charge Recovery Act of 1891 fall chronologically within the Fourth (and last) of those periods into which we have divided this history of the land question. This period, which commenced about 1880, is coincident with the agricultural depression, which manifested itself in—

(1) a resistance to the payment of tithes; and

(2) the organisation of the demand for land reform.

Commencing with Tithe Disturbances.

As to the former, the Commissioners quote the dictum of "a competent critic," Professor Henry Jones, now of Glasgow, who in 1888 said that "the tithe disturbances were just the first utterances of agricultural distress; and those who consider it to be merely the outcome of dislike to the English Church simply misunderstand its character." The account which Sir John Bridge gives of the origin of the anti-tithe movement is also quoted as follows: "There existed in Wales from old times a strong feeling among the Nonconformists that the

tithes were improperly claimed and taken by the Church of England, and a desire has grown up, not that the tithes should be abolished, but that they should be applied to some lay purpose for the benefit of the nation. This feeling has arisen from causes partly religious, partly social, partly national, and partly political, and though it had formerly been to a great extent passive, it became active and aggressive when the demand of the farmers (made towards the end of 1885) for a reduction of the rentcharge was refused."

Account of the movement.

As to the subsequent formulation of this demand, the Commissioners give the following account: "In September, 1886, a league called "The Farmers' Tithe Defence League" was formed. Its object seems to have been to compel the tithe owners to make reductions, and the means they employed were to persuade the farmers not to pay the tithes without being distrained upon, and if distrained upon, not to pay until the goods distrained upon were sold. It was considered that the sale would operate as a protest against the action of the tithe owner in distraining. The very fact that the tithe payers asked for *reductions* in, and not *total exemption* from, the rentcharge shows, however, that they were not solely actuated by conscientious objections, but that, suffering as they were from the agricultural depression, they were eager to relieve themselves of at least a portion of that burden which they thought they could throw off with the greatest chance of impunity, and, at all events, without jeopardising the security of their tenure or otherwise injuriously affecting their relations with their landlords. It is, therefore, the fact of the existence of the depression that alone explains the rapidity with which the policy of the 'anti-tithers' was taken up throughout Wales."

In one sense, the anti-tithe movement was the Rebecca riots over again, but this time in North Wales. During the distress of the forties, the South Wales farmers found it easier to relieve themselves of the payment of the turnpike tolls than of rates or rent; the unpopular gatekeeper was more easily combated than the rate-collector or landlord. In 1885-88, the North Wales farmers regarded the tithe and the tithe-owners in much the same way as the turnpike toll and the gate-keeper had been regarded by their South Wales brethren a generation previously. They could not relieve themselves of a portion of the rent, their landlords were too strong for them, but the ordinary tithe owner was less able to fight them, and, moreover, payment of tithe had been always, more or less, unpopular with the bulk of the people. On this account, the non-payment of the tithe commended

itself very generally to the popular fancy, and once a League was started, with that policy inscribed on its banner, "it went on establishing branches, and payment of tithes was in many places refused, so that it became necessary to distrain, and the police were called upon to protect the agents of the tithe owners in carrying out the distresses. Much excitement and some disorder prevailed at most of these sales, culminating in considerable disturbances at Llangwm, on the 25th and 27th of May, and in still more serious riots at Mochdre (both in Denbighshire), on the 27th June, 1887, when the Riot Act had to be read, and in the subsequent conflict, 50 civilians and 34 policemen were injured.

"After the latter event, a local inquiry was immediately instituted by the Home Secretary 'into the origin, extent, and character' of those disturbances, and the Commissioner, Mr. (now Sir) John Bridge reported thereon under date of 19th August 1887.

"In the autumn of the same year it was decided to extend the operations of the Tithe League, by including within its scope the questions of '(1) tithe (2) disestablishment and disendowment of the Church of England in Wales; and (3) all the important questions connected with land.' The reorganised society assumed the name of 'the Welsh Land, Commercial, and Labour League,' and its President, Mr. John Parry, of Llanarmon, was examined by us [the Commissioners say] with reference to its objects. These, briefly stated, appear to have been (so far as land was concerned) fair rents, fixity of tenure, full compensation for improvements, land courts (or a system of arbitration) limitation of mining royalties, abolition of State loans to landowners, but the grant of such loans for the purchase of land by occupying tenants and labourers, the abolition of all game laws, and the throwing open of rivers to all fishermen.

"The League also continued its former activity in resisting the payment of tithe, for in its report for 1888, it is stated that 'since the formation of the League (a little more than two years ago), about 300 farmers who were members, have had their stock distrained upon, and many actual sales have taken place, in the different counties of the Principality, but all the losses which have been suffered, and all the costs which have been incurred, have been paid in full, including the costs of our solicitors for attending sales, &c., for the protection of our members.' Probably the most serious disturbance in connection with the distraint sales in 1888 occurred at Llannefydd, Denbighshire, on the 18th of May, to which the attention of the House of Commons was called

(on a motion for its adjournment) on the 7th of June following, when it was alleged that an indiscriminate attack had been made 'by emergency men and police upon unoffending men, women, and young persons' attending the said sales."

Landowners attitude towards Anti-Tithers.

In a later portion of their Report (p. 311), the Commissioners, while discussing the question of insecurity of tenure, refer to the attitude of some of the chief landowners towards those tenants who adopted this policy of passive resistance to the payment of tithes. "It brought landlords and tenants into sharp antagonism," it is remarked, "and resulted even in a few evictions."

"With reference to the Wynnstay Estates, Col. Hughes stated that 'the non-payment of tithe, shortly before the passing of the Tithe Rent-charge Act, 1891, caused slight friction on the Welsh portion, but the extreme cases in question were, with one exception, amicably settled.'

"The exception was the case of Mr. Rowland Evans, now of Peniarth, Meifod, but, previous to the dispute in question, a tenant of Farchoel, Llanfihangel, on the Llwydiarth estate of Sir W. W. Wynn. Farchoel had been held by his family for about 120 years. Evans, being a Nonconformist, refused to pay the tithe, and when pressed to do so by the agent simply replied, 'I will die on the road before I pay a parson.' The result was that he had to leave. A notice to quit was also served on a neighbour for the same reason, and after his tenancy was thus terminated, the farm revalued, and the rent raised, he was re-admitted as a tenant.

"Early in the tithe controversy Sir W. W. Wynn adopted a rule, which, in effect, was that tenants on his estate had to choose between paying the tithe to whomsoever it was due, or quitting their farms in case they refused to pay the tithe. 'Sir Watkin put down his foot in the beginning, just before I commenced my agency,' said Col. Hughes, 'that tithe was a part of the rent and it was to be treated as such.' The policy of the anti-tithe payers had, on the other hand, received a kind of legal sanction from some statements made by Mr. Justice Field in the course of his charge at the Montgomeryshire Assizes, held at Newtown in July, 1888. His words were interpreted to mean that the tithe-payers had a perfectly legal right to refuse to pay tithe except under distraint, and to allow their goods to be sold in default of payment, so long as they did not commit, or cause to be committed, any act of violence.

"Among many other instances, we might mention that there was also considerable friction with reference to the tithe on the Kinmel Estate, one tenant (Mr. David Edwards,

who thereupon left for a farm near Esher, in Surrey) being evicted for its non-payment, and several others being 'spoken to' by the agent. Some landlords and agents in other parts of the country appear to have expressed their strong displeasure if any of their tenants were members of the Tithe or Land League. Mr. Walter Jones, in writing to a tenant in February, 1888, said 'tenants will have to choose which they will have as friends, the landlords or the Welsh Land League.' Its President (Mr. J. Parry), who had from 1879 to 1888 acted as local agent for the Gelligynan Estate in Denbighshire, had to give up his agency and quit his farm in November, 1888, owing to his connection with the League, and other instances of a somewhat similar character could be further adduced from the evidence tendered before us."

One inevitable result of all this friction was that party feeling ran high, as the Commissioners observe in the following terms (p. 175):—

Intensity of feeling reflected in violence of Press.

"During these years of agitation against the payment of tithes, much ill-feeling was aroused, and the bitterness of the conflict between the different parties unfortunately made its way into the columns of the vernacular press. Several examples were brought to our notice of the intemperate and occasionally abusive language employed by anonymous correspondents in 1886 and the two succeeding years; but it appeared to us that the excesses of which such writers were undoubtedly guilty must have been largely attributable to the tension created by the public excitement of that period, yet in some instances there may possibly have been an intention of creating ill-feeling and hostility of interests for political purposes."

Lord Penrhyn's view as to unreality of Land Question.

This pronouncement of the Commissioners has much significance in view of Lord Penrhyn's contention that "the agitation upon the Welsh Land Question was unreal in origin, and had not its source in any genuine sense of grievance on the part of the agricultural community . . . (but) was deliberately fomented by journalistic sensational writings with the object of creating a feeling in the country which would tend to the advantage of the proprietors of the vernacular press and to the detriment of the Church and landowners in Wales." This view, it should be observed, was put forward not as Lord Penrhyn's private opinion simply, but as the theory on which the landowners of North Wales have based their defence for the last ten years and more.

Giving evidence in his official capacity as chairman of the North Wales Property Defence Association which was formed in December, 1886, Lord Penrhyn said (Q. 22,787):

"From the foundation of this association and for some time prior to that date, careful watch has been kept on the publications of the vernacular press, and translations of articles and letters affecting the interests of landowners have been made for the association." With the view of supporting his contention, his Lordship then tendered to the Commission extracts from these translations which extend to some eight folio pages in the Minutes of Evidence. Similar extracts were also handed in to the Commissioners by Mr. T. Prichard, agent for the Bodorgan Estate in Anglesey, while Mr. J. E. Vincent put questions, through the Commission, to Mr. Gee, the proprietor of the *Baner*, so as to elicit an acknowledgment of his authorship of some editorials published in his paper and cited before the Commission. Broadly speaking, the view of Lord Penrhyn and of his Association is that the newspaper articles (coupled with other forms of agitation) produced the so-called Land Question, while his opponents' view seems to be that the excesses of the Welsh press were occasioned by the excitement of the anti-tithe movement, which was the first utterance of agricultural distress, and the first attempt at organising a previously existing demand for land reform.

Enlargement of Anti-Tithe movement so as to include Land Reform.

"The anti-tithe feeling was strong in many parts of Wales, I know," Lord Penrhyn himself admitted (Qu. 22,859), "and I have no doubt there was bad feeling on that account; but those people who were conducting the anti-tithe movement, as is proved by those extracts which I have read, thought it better to enlarge their anti-tithe league which they had found, and to take in the land question as well."

This exactly coincides with the account given above by Mr. John Parry, as to the enlargement of the scope of the Anti-Tithe League, which moreover a few years later—about 1890 or 1891—appears to have been absorbed in the North and South Wales Liberal Federations.

It is observed by the Commissioners that these organisations* "from their first establishment in the winter of

* The Federations further contributed to the discussion of the question by the publication, in 1887, of "The Land Question and a Land Bill with "special reference to Wales," by the late Mr. R. A. Jones, barrister-at-law, and of "Landlordism in Wales," by 'Adfyfyr.' A reply to the latter, written by Mr. J. E. Vincent, under the title of "Tenancy in Wales," was published by the North Wales Property Defence Association. Welsh translations of these three works were also published by the different associations. A series of "Letters from Wales, dealing with the state of "Wales in especial relation to the land, the Church, and the tithe, by a "Special Correspondent," also appeared in the *Times* at various dates in 1887 and 1888, and were subsequently re-published in book form. Numerous other publications dealing with the land question have since been issued, both by the Associations mentioned as well as by private individuals, a complete list being given in the Bibliography printed in Appendix B to the Report.

1886-7, had given considerable prominence to the Welsh land question, and had, in October, 1887, at a joint conferance held at Aberystwyth, declared that 'the enactment of a measure which should confer upon the tenant reasonable security of tenure at a fair rent, with full compensation for improvements, was absolutely necessary in order to avert the threatened ruin of the peasantry of the Principality.'"

Prominence given to the question in elections.

But before the Welsh land question had finally reached this stage, it had occupied a conspicious position before the public in connection not only with the Anti-Tithe League, but with most of the contested county elections of the last 15 years. Though the account which the Commissioners give of this stage in the growth of the land question is somewhat detailed (see pp. 173, 175–6), it deserves to be reproduced at length, as it brings the history down to the present time.

"According to the former Liberal agent for Carmarthenshire (Mr. H. A. Jeremy), 'temperance, church, and land questions were the three prominent local questions that have influenced the elector in all the elections since 1880. Special prominence was given to the land question in all the addresses of Liberal candidates; so much prominence was given to the land question during the contest between Powell and Emlyn in 1885 that a leaflet was issued from the Central Liberal Committee contrasting the votes of the two, *re* the Bill (the Agricultural Holdings Act of 1883) and its amendments. After the distribution of that leaflet the result of the poll became a foregone conclusion. I heard Mr. Powell attributing his grand success at the poll of 1885 to his being in touch on the land question with the farmers.' "The desire of a land court or its equivalent has been over and over again most emphatically expressed by an overwhelming majority of the Carmarthenshire peasants."

"In North Wales also, the land question appears to have been one of the issues of the election of 1885. The prominence which the movement acquired from that time onwards was more immediately due to the fact that the agricultural depression, which (subject to some fluctuations) had existed since 1879, assumed towards the end of 1883 far more serious and alarming proportions, increasing in intensity in 1886 and lasting to the present time, with the exception of a temporary improvement in 1889-90.

And conferences.

"It appears that at the commencement efforts were made, at least in some districts, to have the situation discussed on non-political lines. Mixed conferences of landlords and tenants were thus held "about 1886." At Newtown, in Montgomeryshire, the way in which they originated deserves to be mentioned:

"'An advertisement, with no name attached, was inserted in the paper convening a meeting of farmers at the Public Rooms for the following Tuesday, When the farmers met, there was a letter on the table addressed to the chairman of the meeting. Mr. S. Miller, a well-known farmer, was, if I remember rightly, elected to the chair. After some demur he opened the envelope, and it contained a statement pointing out the farmers' difficulties and suggesting that landlords and tenants should be asked to consult together. The suggested conferences were held, they attracted the notice of the principal London aud provincial papers, and this friendly method of consulting together was unanimously commended by all parties. But the farmer who really initiated the movement was extremely anxious that the part he had taken should not be made public, and to this day, I believe, there are only a few who know the author of those conferences.'

Mr. F. E. Hamer, who gave us this account of the proceedings, then went on to say: —'I asked him the reason for his reserve, and he explained that he had a hot-headed landlord, and that if he were turned out of his farm it would be the ruin of himself and his family.'

Origin of the first Land Bill for Wales.

A more general conference of farmers from different parts of North Wales was held at Rhyl in June, 1886. It appointed a committee to draw up proposals for some remedial legislation, and by the end of August a 'Bill for amending the Law relative to Agricultural Holdings in Wales' had been drafted by the committee. Its proposals were considered at a private conference held at Denbigh on 28th October, followed, on the evening of the same day, by a public meeting, attended by the Lord Lieutenant of Denbighshire (Col. Cornwallis West) and several members of Parliament. The Bill was subsequently entrusted to Mr. J. Bryn Roberts, M.P., and after being somewhat remodelled was introduced by him into the House of Commons in January, 1887, under the short title of "Land Law (Wales) Bill." In a memorandum which preceded the Bill, its chief objects were stated to be—

Its objects.

(*a*) "To enable a tenant to refer to arbitration on landlord's refusal to consent to 'first class' improvement, and to extend the right to compensation.

(*b*) "To enable a fair rent and reasonable conditions of tenancy as to cultivation to be fixed by arbitration.

(*c*) "To give the tenant greater security of tenure by restricting the right of capricious eviction."

It was re-introduced in each of the four succeeding sessions (1888-91), but no opportunity was found for moving its second reading, or for otherwise discussing its provisions."

And subsequent history.

In the meantime, however, "the parliamentary representatives of Wales had been collecting information respecting the circumstances of Welsh farmers by means of a schedule of questions which, in 1887, they addressed to correspondents in Wales from whom they appear to have received numerous replies. Moreover, the attention of the House was on several occasions incidently drawn to the Welsh land question in the course of other debates, * notably on the 29th of June, 1888, when the agricultural depression in Wales was the subject of

* For example, the debate on the second reading of the Mountains, Rivers, and Pathways (Wales) Bill, introduced by Mr. Thomas Ellis (April, 1888); the debates on proposed amendments of the Local Government Bill of 1888 (*e.g.*, an amendment moved on 22nd of June, 1888, "that the power now vested in the Woods, Forests, and Land Revenue Commissioners should be transferred to the County Councils"); and the prolonged debates on the Tithe Rentcharge Recovery Bill.

a motion* made by Mr. Thomas Ellis, the member for Merioneth, who also re-introduced the Land Bill (in a modified form), and moved its second reading on the 16th of March, 1892. Practically the only change in the new Bill, as compared with that of Mr. Bryn Roberts, was that the procedure of the Highland [or Crofters] Act was more closely followed, so that a land court was substituted for arbitrators as the authority to fix fair conditions of tenancy and rent. and provisions were also introduced for regulating mountain sheep walks. In the course of this debate the Right Hon. W. E. Gladstone urged upon Her Majesty's Government [of which Lord Salisbury was then Prime Minister], the desirability of instituting an inquiry into the Welsh case.

Appointment of a Commission urged by Mr. Gladstone.

And by North Wales Landowners.

"A similar recommendation was also made from another quarter. The North Wales Property Defence Association which had been formed at a meeting held on the 11th December, 1885, at Chester, passed a resolution (*See* Qu. 22, 787), on the 27th April, 1882, to the effect that 'the time 'had arrived for the appointment of a Royal Commission 'to inquire into the relations between landowners and 'tenants in Wales in consequence of the grave charges 'brought forward in the press and in Parliament, against 'owners of land in the principality, and that the Government 'be requested to take steps for the appointment of such a 'Commission at the earliest possible opportunity.' This request was, however, not granted.

"After the general election, which took place in July, 1892 [and which resulted in the return of the Liberal party to power], Mr. Gladstone in a speech which he delivered at Cwmllan, near Beddgelert (on the side of Snowdon), on the 13th of September, indicated his intention to institute an inquiry into the Welsh land question, with the result that on the 27th March, 1893, a Royal Commission was issued to us 'to inquire into the conditions and circumstances under which land in Wales and Monmouthshire is held, occupied and cultivated.'

* The terms of this motion were as follows:—"That having regard to the special circumstances of Wales and the prevailing agricultural depression, and their effect upon the welfare of the Welsh people, this House is of opinion that Her Majesty's Government should pay immediate attention to the subject, and take the necessary steps to provide a measure of relief which shall secure fairer conditions of tenure, and a re-adjustment of rent more equitably corresponding to the fall in prices, and make such other provisions as will enable the cultivators of the soil to meet the trying circumstances in which they are placed." It was moved by Mr. Thomas Ellis, and seconded by Mr. A. H. D. Acland, but rejected by a majority of 18, the votes being, for 128, against 146.

CHAPTER IV.

SECURITY OF TENURE AND LAND HUNGER.

1—THE SUBSTITUTION OF YEARLY FOR LEASEHOLD TENANCIES.

The facts which are collected in the preceding chapter appear to show that there has existed for a very considerable period, among the tenant farmers of Wales, a feeling of dissatisfaction with their position; that this has manifested itself from time to time and with varying intensity; but that it was greatly accentuated by the depression of their industry which commenced about 1880. It is necessary now to investigate more minutely the causes of this dissatisfaction, and the Commissioners therefore pass on, in Part III. of the first "book" of their Report (p. 277 *et seq.*), to consider the system of tenure according to which the agricultural area of the country is occupied.

Tenants about six times as numerous as occupying-freeholders in Wales.

The first observation which they make is that "in Wales, as in England, by far the greater proportion of the land is occupied by *tenants* as distinct from owners," but that "the proportion is however slightly higher in Wales than in the other two parts of Great Britain." Taking the Agricultural Returns for any recent year—it is not essential that it should be the last for which statistics have been published,—it is found that, for example, in 1892, "of the total extent of cultivated land, the respective percentages of land occupied by tenants and by owners severally were in Wales (excluding Monmouthshire) 88·4 to 11·6, in Scotland 87·4 to 12·6, in England (including Monmouthshire) 84·9 to 15·1, the average for the whole of Great Britain being 85·6 to 14·4. The Welsh counties which show the highest percentage of tenanted land are Merioneth (92·5), Glamorgan (92·2), Carnarvon, Flint, and Montgomery (91·3 each), while at the bottom of the list are those counties in which occupying freeholders are notoriously most numerous, viz., Cardigan (79·4), Pembroke (85·1), Carmarthen (86·2), and Anglesey (86·9). Midway between these two groups come the remaining counties of Monmouth (89·5), Radnor (89·7), Brecon (90·3), and Denbigh (90·7)." Practically the same proportions are obtained by comparing,

Table showing the extent of Cultivated Land occupied by Tenants and Owners respectively, with the Percentage of each Class to the Total for Great Britain, England, Wales, and Scotland, and for each County of Wales, in 1892.

Area.	Acreage of Land occupied by		Total Acreage of Cultivated Land.	Percentage (to Total) of Land occupied by		Percentage (to Total Occupiers) of		
	Its Tenants.	Its Owners.		Tenants.	Owners.	Occupiers who Rent land, *i.e.* Tenant Farmers.	Occupiers who Own land, *i.e.* Freeholders.	Occupiers who Rent and Own land.
Anglesey	130,423	19,684	150,107	86·9	13·1	85·2	13·4	1·4
Brecon	182,091	19,584	201,675	90·3	9·7	89·2	9·2	1·6
Cardigan	216,644	56,096	272,740	79·4	20·6	77·7	20·8	1·5
Carmarthen	381,041	60,816	441,857	86·2	13·8	85·8	12·5	1·7
Carnarvon	176,714	16,847	193,561	91·3	8·7	91·6	7·2	1·2
Denbigh	247,152	25,489	272,641	90·7	9·3	88·6	9·4	2·0
Flint	115,192	11,017	126,209	91·3	8·7	88·8	8·5	2·7
Glamorgan	260,113	21,995	282,108	92·2	7·8	89·9	7·3	2·8
Merioneth	150,029	12,123	162,152	92·5	7·5	91·8	7·4	0·8
Montgomery ...	249,063	23,664	272,727	91·3	8·7	91·5	7·1	1·4
Pembroke	269,087	47,001	316,088	85·1	14·9	85·5	12·1	2·4
Radnor	150,576	17,362	167,938	89·7	10·3	86·5	11·1	2·4
Wales	2,528,125	331,678	2,859,803	88·4	11·6	87·4	10·7	1·9
Monmouth	218,968	25,639	244,607	89·5	10·5	83·8	11·0	5·2
England	21,165,043	3,759,161	24,924,204	84·9	15·1	81·7	13·1	5·1
Scotland... ...	4,285,703	615,840	4,901,543	87·4	12·6	92.1	7.2	0·8
Great Britain ...	27,978,871	4,706,679	32,685,550	85·6	14·4	84·0	11·9	4·1

not the extent of land occupied by each class, but the relative numbers of tenants to freeholders. According to this principle those who are wholly tenant farmers amount, in Wales, to 87·4 per cent. of the total number of occupiers of farms. the occupying freeholders form 10·7 per cent., while those who are partly tenant farmers and partly freeholders amount to 1·8 per cent.

These results may, perhaps, be more easily apprehended by reference to the table which is printed opposite.

And most of the tenants hold under yearly agreements, and not under leases.

Having thus ascertained that the overwhelming majority of Welsh farmers are tenants, who are about six times as numerous as all the freeholders, the Commissioners next observe that such tenants are nearly all holding under agreements from year to year and not under leases; in fact leases are said to be at the present time "so exceptional in Wales that they form but an infinitesimal element in the consideration of the question of land tenure. This, however, has not always been so. We have already noticed the general prevalence, in the time of Queen Elizabeth, of a system of leases for terms or for lives, renewable in the original intention, but in practice for some reason or other allowed to lapse. In cases of non-renewal, the tenants often became tenants-at-will protected by the custom of the country, and there is reason to believe that at one time the more independent tenants preferred the greater freedom of the tenure at will to the more binding and permanent leasehold system. With the commencement of this century, however, the tenancy of events was in the direction of substituting yearly tenancies in the place of the then existing leases."

The year-to-year tenancy—an invention of the 19th century, leaseholds being formerly the prevailing tenure.

The important point which the Commissioners seem to emphasise here is the fact that less than a hundred years ago the ordinary typical tenancy in Wales was a leasehold one, and, if we may paraphrase their statements, that tenancies from year to year, so far at least as Wales is concerned, are inventions of the 19th Century.

"In the original Reports of 1794,* there is no mention in the case of several Welsh counties of anything but a leasehold tenancy of farms. In Carmarthenshire and Pembrokeshire 'the term of the leases commonly granted upon lands is for three lives and the life of the survivor.' In Cardiganshire 'the leases granted are usually for three lives,' but leases for a term of years were also not unknown, for it is further stated that 'if the tenure is in years, the three or four last may be employed to the great injury of the land.' The significance of these remarks is derived from the fact that no mention whatsoever is made in these reports of yearly tenancies, which we might probably infer on that account were far from numerous.

*Original Reports on the Agriculture of the Welsh counties: Pembrokeshire, p. 33; Carmarthenshire, p. 49; Cardiganshire, p. 17; Monmouthshire, p. 21.

"Turning to the eastern part of South Wales we find that the leasehold system there was already on the wane. In the report on Monmouthshire it is stated that 'leases for fair periods of time are liberally granted by proprietors to deserving tenants. Twenty-one years is the most general and usual term granted. There are, however, several estates held by tenancy at will, and some few by lease, but the latter tenure is getting out of practice.'

"As to North Wales the following is the statement of the Rev. Walter Davies in 1810 :—'In Anglesey the Earl of Uxbridge has granted some leases ; Lord Viscount Bulkeley a great many; O. P. Meyrick, Esq., as far as £5,000 per annum ; Sir Hugh Owen's estate is all under lease. Most of these leases are for lives ; and the term adopted in those which Sir John Stanley granted to his tenants about the year 1798 is the longest life, landlord or tenant. Half-a-dozen estates more might be particularised within the island, under lease, but these are enow.'* [It has been suggested (Qu. 19,487) that these leases were granted for the express purpose of enabling the tenants to erect buildings, &c., on their holdings, but there does not seem to be any ground for supposing that they only applied to such limited cases.] 'In Carnarvonshire almost all the tenants on the Vaenol estate, consisting of about 28,000 acres, had leases for 21 years, which expired in 1799, and the land as unimproved as ever ; the proprietor, Thomas Assheton Smith, Esq., then determined not to repeat the lease experiment. . . . Lord Viscount Bulkeley has leased a great part of the Vale of Aber, opposite Beaumaris, to his tenants, for lives. In Merioneth and Carnarvonshire, the father of the late Mr. Price, of Rhiwlas, granted a great many leases for lives ; but hitherto not one tenant has taken the opportunity of benefiting by them. Mr. Probert, in managing the Halston estate at Mawddwy, granted leases for 21 years, to be renewed at the expiration of the term provided the tenants benefited by their leases and improved their respective farms. Some of them were lately deemed worthy of new leases, and the rest were discarded. In the other three counties (viz., Denbigh, Flint and Montgomery) leases are entirely out of repute,' though it is stated further on that in 'Montgomeryshire some landlords grant leases for a few years—three, seven, nine, seldom fourteen, and very rarely, if ever, twenty-one.'

"But the same writer, in referring to South Wales about the same period, states that there 'leases were much more numerous and much more in credit than in North Wales'† Some of those mentioned by him were practically leases in perpetuity, as, for example, some on the Glamorganshire estate of the Marquis of Bute, which were renewable for ever on paying certain fines. In the parish of Llangynidir, in Breconshire, many leases were for as long as the river Crawnon flows, and this may have been not an uncommon form of lease in other parts of the country, if we may draw any inference from the universality of a popular description of some tenancies as being held for *as long as water flows and the sun rises* (W. 'tra bo dwr yn rhedeg a haul yn codi ').‡ In the same county of Brecknock, the parish of Crugcadarn, or, according to another authority,¶ that of Gwenddwr, was mostly, if not wholly, under leases for 999 years.

The leases for lives and for years were not generally renewed after 1815

"But the more common form of lease was that for lives, which is said to have prevailed in most, if not all, of the

* Davies, *Agriculture of North Wales*, 98-100.

† See the section on leases in Davies's *South Wales*, ii., 166-177.

‡ Thus, Wilkins, in his *History of Merthyr Tydfil* (1867), after giving a list of the chief farms in that neighbourhood in 1769, proceeds as follows: "Most of the farms were held at a low rental, many from £3 to £4 per annum, and this at long leases. The wording of the old leases was generally eccentric. There was one near the Bargoed and the Gothy streams which was to hold good for £3 per annum as long as there were stones in one and water in the other" (pp. 130 1).

¶ Jones, *History of Brecknockshire*, ii., p. 297.

South Wales counties between 1800 and 1815, the date of the publication of Davies's *General View of the Agriculture of South Wales*. The Duke of Beaufort's estate in Gower is specifically mentioned as being let on such leases. Some of the leases for lives on the Breconshire and Glamorganshire estates of the Duke, and of the Marquis of Bute, and Sir Charles Morgan of Tredegar, had particular clauses 'according to the custom of the manor.' As already seen, leases for lives were probably the general rule in the western counties, and a Welsh ballad-writer of the time [Amnon] has testified to their great popularity with the tenantry.*

"But the life leases were in South Wales being largely replaced by leases for terms of years, chiefly for 21 years, but terminable at the end of every seven years. 'These leases,' says Davies, 'are now becoming more common than any,' and he gives numerous instances of them from each county, specifying variations in the conditions as to repairs and course of cultivation. The period of which he wrote was one of transition in agriculture.

"This view is borne out by another writer, who, in speaking of Carmarthenshire in a work published in 1815,† states that 'the landlords have no uniform system in the letting of their estates. Leases for short terms of years are common, but the greater proprietors usually grant leases for lives in order to acquire an influence in the return of the county representative.'

"The growing tendency of landowners was, however, to shorten the tenancies until at last they arrived at leases or agreements from year to year, which appear to have been regarded, in South Wales at all events, as innovations introduced over the heads, and somewhat against the will of the tenants. Once more we have to quote the remarks of Walter Davies in his *Survey of South Wales* (p. 175):— But were re-placed by yearly agreements.

'*Leases from year to year.*—In many places the tenants are summoned together to re-take their farms, and sign printed leases, which are only from year to year, containing prescribed rules of management for all kinds of farms and soils without distinction. The tenant pockets the lease, pays for it, and then never troubles himself about it until he is summoned again, after having notice to quit, to advance his rent, and sign another lease of the same edition, for the same purpose, and to the same effect.'

"Before the middle of the century a great change had taken place in the tenure of the occupiers. In Anglesey,

* *Qu.* 43,477; the ballad itself, in which a Cardiganshire tenant is made to ask for a "lease for three everlasting lives," is printed in vol. III., Appendix, p. 1034.

† Rees's *Beauties of South Wales*, p. 276.

which was the county where leases were most prevalent in North Wales, they do not seem to have been renewed from 1830 onwards. With reference to this county, Mr. J. E. Vincent quoted (at Qu. 76,547) the following extract, written about 1830, in a commonplace book, by his grandfather, a sometime Fellow of Jesus College, Oxford, and Dean of Bangor: 'A great proportion of tenants were occupying under old leases granted when the spirit of election ran high, many of which have only very lately expired, and some of which even now exist.'

"In South Wales also leases had become by 1843 much rarer, if they were not almost the exception. This explains a recommendation then made by Mr. John Harvey of Haverfordwest,* a land agent of large experience, in favour of a 'more extended system of granting leases on proper principles.' That the disappearance of the leases for lives was not a thing of the forgotten past, but had been taking place within the memory of persons then living and was still going on, is amply testified by several witnesses from the three western counties before the Commissioners of Inquiry for South Wales. 'Leases for three lives have been very much given up in my time, and are not resorted to now in the way that they formerly were,' was the statement of Mr. William Tudor, J.P., of Tenby. In the course of the examination of the Hon. Col. G. Rice-Trevor, M.P. (afterwards Lord Dynevor), there occurs the following (Question 2610):—'Some of the 'renters of land who have been before the Commissioners 'have stated that they held leases upon three lives, which 'were taken when prices were very high. Do you think 'there are many instances of that kind?—I am not able to 'say; upon Lord Dynevor's estate I do not think there are 'any left. It was formerly a very general mode of tenure in 'this county; in all Wales, I believe, either three lives or '99 years. I know that the greater part of my father's 'tenants are tenants at will.' Still there were many leases for lives in the district of Llanelly (*see* evidence of Mr. Chambers), and in 1846 it was stated that the miners of Begelly and the surrounding districts in Pembrokeshire held under leases for lives which 'had been granted them in former times for electioneering puposes by the landowners.'

"Another witness to the great change in tenancy is to be found in the person of Mr. Clare Sewell Read, who wrote in 1849 on the Agriculture of South Wales.† He repeats the

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* Report of Commissioners of Inquiry for South Wales, 1844.

† Journal of the Royal Agricultural Society, vol. x., p. 147.

statement as to the existence of some few leases granted for 999 years, and others for as long as sun rises and water flows. He further states that generally the leases were for lives. 'The lease in the western counties is often granted for three lives and may include that of the occupier and two of his children,' and these do not as a rule contain any restrictive clauses. 'Leases for the life of the tenant only and for a term of years are more common in the east, and these are more particularly framed. Many landlords have entirely dropped the practice of granting leases, and let all their farms from year to year.'

"As to what happened in North Wales, the evidence is scantier. By 1857-8 the larger number of farms were held by the year, and the absence of leases was a matter of comment.* In the first edition of Dixon's *Law of the Farm*, published in 1858, it is stated as to North Wales that:—'Generally speaking, all farms and lands were then held under a yearly tenancy.' In Cardiganshire and Pembrokeshire 'leases for one or two lives are not uncommon, also for 7, 14, and 21 years; but the leases for lives are not so general as they formerly were,' the usual tenancy being from year to year. In Glamorganshire, East and South, 'the tenure of a 7 or 14 years' lease' was 'pretty common,' but in West Glamorgan, leases were rather the exception, those in existence at the time being chiefly the remnants of the old system of leases for three lives. Leases had, however, become 'uncommon' in Carmarthenshire, were 'the exception' in Monmouthshire, and are not mentioned at all in the counties of Radnor or Brecon.

"According to the statement made in 1880 by a large land agent in Denbighshire and adjoining counties, the farms under his management were then, with few exceptions, held on yearly agreements:† 'Where there is a lease, it is generally either for 7 or 14 years—that is the custom of the country; the last lease is just up and all the others have fallen out and have not been renewed,' but whether owing to landlords or tenants the witness was unable to say" (p. 281).

The gradual falling in and non-renewal of old leases illustrated.

Ample as is the foregoing testimony to the former prevalence of leases in Wales, it is, however, supplemented by the evidence of witnesses before the Commission. Thus, as to Glamorganshire, it was said that "almost the whole of the Dunraven estate was let out on long leases for a period of three lives," which were not renewed on their expiration

* *Baner Cymru* 7th Oct, 1857.

† Mr. R. C. B, Clough before Royal Commission on Agriculture (1880). Qu. 47,311-7.

owing to the dilapidated state into which the buildings were allowed to fall. As for the Vale of Glamorgan generally, Mr. W. V. Huntley said:—"There is not one lease now where there were 20 when I knew it 20 years ago. A good many leases for lives which had been granted 50 or 60 years ago have fallen in the last 5, 6, or 10 years on one estate (that of Mr. Aubrey) in this district."

In Gower, too, "most of the old leases have fallen in now," and, in this respect, Llanmadoc was specially mentioned as being a parish where "most of the tenants were formerly leasehold tenants on the three-life system."

"The whole of the Rheola estate, now measuring 5,800 acres, in the counties of Glamorgan and Brecon, was held on leases for lives when purchased, in 1815, by the predecessor of the present owner. Several of these old leases were handed in to us for inspection by the present agent. These leases fell in between 1823 and 1858, and we believe that the whole estate is now let on yearly tenancies."

"It may be worth mentioning," said Sir Joseph Bailey, with reference mainly to Breconshire, "that at the beginning of the century nearly all farms were let on lease."

The Rev. R. Morgan, of St. Clears, spoke of the existence in that part of Carmarthenshire of "leaseholders who had leases 50 years ago, and above," and he stated that their "condition is much better, though their farming, as a whole, is not superior to yearly tenants."

Prior to 1830 most of the farms on the Edwinsford estate in the same county were also let on leases for three lives, but, as they fell in, the tenancy was changed into a yearly one.

The statement of Mr. Schaw-Protheroe of Dolwilym, as to his estate of 1,600 acres in Carmarthenshire and Pembrokeshire, was that in his grandfather's time farms were on lease of three lives, and these fell in, in the time of his mother, who succeeded in 1841. The present owner succeeded in 1872, and, soon after, the only (remaining) lease for lives fell in and was apparently replaced by a yearly taking.

The old leases on Canon Allen's estate (750 acres) fell in about 1850. Some old leases on the Trewern estate of Mr. T. E. Lloyd of Coedmore have fallen in subsequent to 1864. Mention is made of old leases as formerly existing in the parish of Carew (Pembrokeshire) and on the property of Mr. Carver, Blaencorse, of Mr. Gower of Castle Malgwyn, and of Mr. Baugh Allen of Cilrhiw.

In South Cardiganshire and North Pembrokeshire there are still some leases "generally for 21 years, and occasionally

for lives and a long term, 60 or more years, the tenants in such cases doing the permanent improvements, but these leases are now very rare." But in South Pembrokeshire they have practically died out, the last of Lord Cawdor's leases, which were for 21 years, having expired in 1894.

The whole of the Bodorgan estate (in Anglesey) was on long leases for lives and years; they began to expire in 1842 and they kept on expiring until 1860, and were, presumably, not renewed.

But there are a few survivals of leases still to be found in this County. Lord Stanley of Alderly stated:—"I have inherited a few leases, that is to say, I have inherited land on which leases had already been given." And from a subsequent reference it appears that some of these are leases for life or lives. At least three specific instances of leases in this county were brought to our notice, one for the life of the tenant and his wife, the second for a term of 45 years, and the third for 40 years. There are also a few farms on lease on the Llysdulas (Lady Neave's) and Baronhill (Sir R. Bulkeley's) estates.

Leases for small holdings, however, not yet wholly extinct.

There are three leases on the Gwynfryn estate (of Mr. Ellis Nanney) in Carnarvonshire, one for 60 years (20 of which are still unexpired).

But though the granting of leases has practically died out so far as ordinary-sized farms are concerned, it is not wholly extinct in the case of small holdings, especially such as appear to have originated in squatter enclosures, and on which "the buildings are to be erected or kept in repair by the tenants themselves. Thus on Lord Penrhyn's estate, on which all the farms are held from year to year, 'several leases for holdings of three or four acres have been given on condition of building houses and improving the land.' There are as many as 108 such leases on the estate of the Earl of Powis, though in that case also the ordinary agricultural tenancy is an annual one. These 'have been granted for a term of years and for lives, for cottages and small holdings where buildings have been erected by the tenant, but, so far as my experience goes,' says the agent, 'in 90 per cent. of such cases the houses or buildings, on the expiration of the lease, are in bad and poor condition, and the cultivation of the land would not very favourably compare with land adjoining let from year to year . . . The case generally is that the original tenant has sold his lease, the immediate holder is dead, and his relatives not able to do anything, even if they were called upon, which has never been the case on this estate.'

A similar custom prevails on at least one large estate in South Wales The farm takings on the Duke of Beaufort's Monmouthshire estate are all yearly takings, but according to Major Lister 'we sometimes, in small instances, grant leases for lives, but those are principally small houses and places like that."

Having established the fact that the prevailing form of tenure in Wales at the commencement of this century was a leasehold one, the Commissioners (at pp. 382-6) raise two important questions with reference to the conditions on which these leases were granted, viz. :—

(1) Were they accompanied with a system of fines or premiums, payable by the tenant when receiving the lease, so that the rent thereby reserved was something less than the rack-rent ?

(2) Did the burden of improvements, new buildings, repairs, &c., fall on the landlord or on the tenant under these leases ?

The old leases were generally held at rack-rents, without "fines" or premiums.

The first question has naturally an important bearing on the rental statistics of the first half of this century, and Mr. J. E. Vincent, assuming the prevalence of fines, suggested that "if we had the history of the rental without the fines, we could not compare the past and present rentals with any precision, or so as to reach any significant conclusion."

By a long array of quotations from works on Welsh Agriculture, written between 1794 and 1850, the Commissioners prove, at least to their own satisfaction, that the old leases were, in general practice, held at rack-rents, and that the only notable exceptions to this rule were to be found in the case of some two estates in Glamorganshire, and of ecclesiastical property generally,—subject, in the latter case, to a qualification to be presently explained. We shall make a few extracts from the Report as to this question.

"The following definite statement is made in 1794, with reference to Pembrokeshire : *'The lands are always let at a rack rent, there being no instance that I know of, of leases granted upon fines, except church lands.' In his report on Carmarthenshire, the same writer also repeats the statement, using identical words in doing so.

"In none of the other reports of the same date which we have been able to consult, is there any reference to fines, except in the case of copyholds, the amount of which in Wales is almost inappreciable.

"Indeed, as to the whole of South Wales, we have the very definite testimony of the Rev. W. Davies in his 'Agriculture of South Wales,' published in 1815 : 'Leases upon fines are few in number, and those belonging to church lands, or life estates. In Glamorganshire there are

*Hassall, *Agriculture of Pembrokeshire*, p. 33. An interesting account s given by George Owen (in his *Description of Pembrokeshire*, pp. 190-1, written about 1600), of the then recent introduction into that county of a practice of levying fines on the renewal of the leases, but the practice was unpopular, and was strongly condemned by the author.

some leases for three lives—half-fine, half-rent; for instance, a farm of 100 acres, value £100 a year, the reserved rent to be £50, and the fine at twenty years' purchase (the present average value of a three-life lease) reckoning it as an annuity certain, at the discount of five per cent. compound interest, to be £623. After the expiration of these kind of leases, they are seldom renewed; they partake too much of the nature of a lottery, and the calculation of the amount of the fine is, in general, too intricate for a farmer' (L., 171).

"As to North Wales . . . though Davies gives a very detailed account of the prevalence of leases, especially in the three Western counties, and, in enumerating the chief obstacles to improvement, gives a prominent places to *long* leases, he nowhere mentions a single fine. His section on 'Rent,' moreover, goes far to exclude the probability of his knowing of any instances of the kind.

"Nor can we find any references to fines in the works of others who have written, during the last 50 years, on agriculture in Wales. We may, moreover, point out that the system of fines, which necessitates the accumulation of a comparatively large capital on the part of the tenant, was incompatible with the chronic impecuniosity and want of capital from which, as we know, the Welsh farmers have suffered more or less throughout the century.

"Had this system existed, or if even a tradition of it survived, in Wales, it would scarcely have escaped the attention of so acute an observer as Mr. Clare Sewell Read, who, writing in 1849, points out that 'one of the evils of the *life leases* of South Wales was the large amount of capital the tenant sets fast on his entry by building, &c.' A statement which has much significance when we come to consider our next point —the liability for buildings.

"Fines" exacted only for leases of Church lands.

"Turning from works of authority on agriculture to the evidence tendered before the Commission, it is observed that there is a similar absence of any proof that the payment of premiums formed part of the old leasehold system except on a few estates in Glamorganshire and on church lands. As to the latter the following is the statement of the present Secretary to the Ecclesiastical Commissioners as to the way church lands had been managed by the bishops, deans, and chapters, prior to the establishment of the Ecclesiastical Commission (Qu. 76,206):—

"It had been the practice to continue the ancient custom of renewing the leases from time to time by payment of a fine for the insertion of new lives or the addition of years to the term of the lease. Assuming the property might be held on a 21 years' lease, subject to the payment of a small reserved rent at the death of a life, or at the expiration of one of the periods, say 7 or 14 years, they would renew on payment of a fine.

"The agricultural tenant was very seldom the lessee. The large landowners were the lessees, and they let these lands with their other lands, only paying an acknowledgment to the bishop and paying a fine when the term arrived, either by the death of a life, or effluxion of time.

"The actual tenant of the bishop, or dean and chapter, was usually a kind of middleman; the agricultural tenant knew nothing, perhaps, about the tenure, because a great many of the large landowners in Wales had these leases from the church, and in very many cases they were intermixed with their own freehold estates, and in a number of cases the Commissioners have sold their reversionary interests in those properties to landowners."

The Commissioners observe that "according to this statement it is evident that it was not the agricultural tenant

that paid the fine, but that in all probability he held his farm on exactly the same tenure and the same conditions as to rent (including the freedom from fines) as the ordinary tenants of the landowner, who was the direct lessee of the Church authority. Where, however, Church property was let directly to a cultivating occupier, and not to a middleman, it is probable that a fine was levied, but we may assume from Mr. Porter's evidence that such cases were comparatively few."

And on the Dunraven and Rheola estates in Glamorgan.

The Glamorganshire instances, to which reference is made, are those of the Dunraven and Rheola Estates, but it appears that in these two cases there were special circumstances which, for once, necessitated a departure from the general practice. The Dunraven instance, according to the present agent, was probably an expedient to raise money other than by way of mortgage, but the exceptional nature of these transactions is fairly apparent.

The next question in connection with the old leasehold tenure is one of more practical importance—What part was borne by landlord and tenant respectively in the execution and maintenance of the permanent improvements, especially the buildings, under the leasehold system? The reply of the Commissioners to this question deserves to be reproduced in full.

Tenants liable for all building and improvements under old leases.

"What chiefly deserves our notice in connection with the old leases is, that in most cases they placed the burden of all repairs upon the tenants. Nor was the liability always confined to leaseholders, as tenants-at-will—the predecessors of the modern tenants from year to year—were also in many districts held responsible for all repairs. In Pembrokeshire, towards the close of the 16th Century* tenants-at-will, according to the custom of the country, 'were chargeable to the repair of their houses, hedges, &c.,' and the peculiar custom of the country in this respect was that 'if the tenant suffer his houses, hedges, or buildings to grow ruinous, the landlord useth to swear a jury of six of his tenants of the like tenure and custom to viewe the decaye,' and assess the amount of dilapidation, but we are further informed that 'this custome of repare held onelie for thach't houses, but for slate houses the landlordes were to repaire them except yt were by speciall covenante.'

"With reference to the same county, we have a definite statement as to the practice that prevailed in the matter of repairs some centuries later, and a little over a hundred years

* Owen's *Pembrokeshire* (pp. 191-2).

ago. A resident in the county* writes thus in 1794: "The present method of binding tenants by these leases to keep the building in repair at their own cost, and to find all the materials for the purpose . . . . may probably be one of the principal causes of the inferiority of most of our farm structures.' The covenant by which the whole repairs are thrown upon the tenant, occasions our farm buildings to be very generally neglected.' The writer unsparingly condemns the system, and, frankly adding that 'not one tenant in ten will keep his buildings in proper repair, or erect such new ones as his business requires,'† he suggests, as an alternative, that landlords should undertake the repairs, charging a percentage of interest on their capital.

"The old system, however, lived on, and the following is the statement made on the point in 1815:—'Repairs are, by a clause in the lease, or by a general usage of the county, laid upon the landlord in Radnorshire and Glamorganshire. In the counties of Carmarthen and Pembroke they are commonly and imprudently laid upon the tenant. In Brecknockshire and several parts of other counties they have begun to compromise matters by dividing the expenses; the landlord to find materials, and the tenant carriage and workmanship.'‡

But, with discontinuance of leases, landlords assumed this responsibility.

"As late as 1849, we find it stated¶ with reference to the leases for lives, which still continued numerous in the western counties of South Wales, that the tenant was 'bound to keep the house and all buildings in proper repair.' These leases, it is further stated, were liked by the tenantry as giving ample security for their outlay, while the landlords were relieved from all burdens but the taxes. That the system prevailed to a large extent in the district, and was, on the whole, rigidly carried out, may be inferred from the criticism which the writer levels against it, and which, in

* Charles Hassall in his *Agriculture of Pembrokeshire*, p. 32 *et seq* The same writer in his *Agriculture of Carmarthenshire*, p. 47-9, makes an exactly identical statement as to the practice in that county.

† *Cf.* also as to North Cardiganshire: "As the repairs and similar expenses are too often the burden of the farmer, it is no wonder that present conveniency should be so often sacrificed to any distant profit." (*Agriculture of Cardiganshire*, p. 32).

‡ Davies, *Agriculture of South Wales*, I., p. 173. The author makes the following significant comments on this "compromise": "This is still too heavy upon the tenant, especially if he be poor, and the carriage of materials from a distance. All new buildings or even parts thereof, should be completed entirely by the proprietor, carriage excepted, and the tenant to be charged a percentage on the amount, as an addition to his rent. He can afford to pay interest when he cannot possibly procure the principal requisite to be expended in making the buildings either comfortable or convenient."

¶ By Mr. C. Sewell Read, in *Journal R. A. S. E.*, vol. X., pp. 148 156-7, 163.

part, has been quoted above. 'One of the evils of the life leases,' he says, 'is the large amount of capital the tenant sets fast on his entry by building, &c. . . . . There can be no doubt that landlords should raise the farm buildings, and the lease tenants would cheerfully keep them in repair; but the repairs in this country are so heavy that it is not fair to burden them entirely.'

"In turning to North Wales, we unfortunately find scarcely a single statement in the works of the various agricultural writers as to what was the practice in their time in the matter of erecting and repairing buildings. As to the eastern counties of Denbigh, Flint, and Montgomery, we have, however, reason to infer that at the commencement of this century the landowners had taken on themselves the burden of all new buildings, for the author of the 'Agriculture of North Wales' (published in 1810), after stating that 'seven in every ten (of the farm buildings) were still in a most wretched state,' makes the following further remark: * '*Many proprietors who have lately built* seem to have had too great a predeliction for the old sites.' He is unfortunately even less explicit on the subject of repairs, and contents himself with saying that there was 'no general system adopted,' excusing himself on the ground that 'the contracts and methods, being so various, rendered them too tedious to be reported.' As to the Anglesey and the Menai-side district of Carnarvonshire, we shall see when we come to deal with the custom of the country, that 'the tenants had formerly been in the habit of erecting new buildings themselves at their own expense, and that this custom was subsequently replaced by an arrangement according to which the landlord provided all the materials, but the tenants paid the masons and the joiners for the building, and did all the haulage; but during the last 30 years efforts have been made to suppress the custom owing to the assertion of a tenant right on the part of the occupiers.'

The rapid change from leases to year-to-year tenancies due to 1. Great fluctuations in prices after 1815.

But if the prevailing form of tenure in Wales at the commencement of this century was a leasehold one, how came it, within so short a space of time, to be replaced almost entirely by year-to-year tenancies. The answer to this appears to be that those great and sometimes sudden fluctuations in prices (which have been so marked a feature of this century but were previously almost unknown) have been the chief, though not the only, means in killing the leasehold system.

* By Mr. C. Sewell Read, in *Journal R.A.S.E.*, vol. X., p. 81.

"The first great blow which the old system suffered was from the prolonged and acute depression of the agricultural interests which followed the close of the Napoleonic wars. All the leases which had been renewed between about 1790 and 1815 were, no doubt, for rents which were based upon the abnormally high prices which then ruled for agricultural produce, but the subsequent great fall in prices, which was probably the first and greatest of modern fluctuations of the kind, must have taught tenants, by the bitter experience of a general bankruptcy, that, in the case of leases, the rents were fixed for too long a term, having regard to the probable repetition of such fluctuations. But there was another non-economic factor at work during the same period. One reason for the popularity of leases for lives—which reason ceased to exist with parliamentary reform—was that the lessee, being in the eye of the law a freeholder, had fuller electoral privileges than a yearly tenant, or even than a lessee for a term of years. The granting of such leases therefore meant an increase in the number of voters which a landlord could command. But after the extension of the suffrage in 1832 it was, politically, to the interest of landowners to discontinue these leases and substitute for them yearly tenancies, which would enable them to wield greater power over their tenants at election times. The political motives which helped to preserve the old system of leases as the best means of increasing political influence operated also, under an altered electoral law, to hasten its discontinuance, and probably to prevent any considerable recurrence to it, even as an experiment, at a later date" (p. 286).

2. Political necessity, after Reform Act, 1832, of having tenants more under control.

The result is that leases have by this time become extremely rare in the case of agricultural holdings in Wales.

Moreover it appears that though most landowners would readily grant leases at the present time, there is in fact no demand for them, and farmers generally fight shy of them. The following are among the reasons which the Commissioners suggest for this disinclination for leases.

Objections leases at present.

1. The rent under a lease is fixed for too long a term, have regard to fluctuations in the price of produce and of labour.

2. The reductions or abatements in rents granted to yearly tenants are not usually given to leaseholders during their term.

3. It is customary in the case of leases to place the burden of repairs and additional buildings on the lessee, and the covenants are more strictly enforced than in yearly tenancies.

Some witnesses, however, suggested that on the largest estates, at least, the tenants feel such perfect security, as yearly tenants, that they have not the least desire for leases, and that in fact the yearly tenancy is more lasting and unchangeable in its incidents than a lease, which from its very nature, renders necessary some reconsideration of the situation at the end of its term.

Other witnesses, however, explained this absence of any desire for leases by saying that when they came to an end, the landlords took the whole of the improvements and enhanced the rent.

The Commissioners, however, sum up the position by saying that "behind these objections to leases, there seems to be an inherent aversion on the part of both landlord and tenant to make the relationship between them a matter of strict contract or a mere business arrangement, in other words, to let their relationship be governed solely by commercial principles based upon a rigid interpretation of a legal document operating for a long period and couched in formal language which the tenant does not understand, and in his own construction of which he has not full confidence" (p. 285).

Prevalence of verbal agreements

This feeling is in many cases carried too far by the neglect of reducing into writing ordinary agreements in the case of yearly tenancies. Thus verbal agreements are the rule for the most part throughout the whole of Breconshire and West Glamorgan, also on the estates of Lord Dynevor, Sir Arthur Stepney and Mr. Bowen, of Llwyngwair, in South West Wales, and, so far as the last few years are concerned, on the Cawdor and Edwinsford estates in Carmarthenshire. Written agreements were first adopted on the Vaynol estate of Mr. Assheton Smith in 1869, and in many other cases they are quite of a recent introduction.

and dangers arising therefrom.

"But [the Commissioners remark] there is considerable danger (of which we had a painful illustration in the case of Earl Windsor* estate) in trusting merely to the memory where special terms varying the custom are imported into the agreement, or where, in the absence of a custom, rules are laid down as to cultivation and improvements. In such cases, the superiority of a written agreement is always recognised once the misunderstanding has arisen, but in transactions where the parties are personally in constant touch with each other, the necessity of committing to writing what is agreed upon is not always realised at the time of contracting."

* The reference is to the case of Mr. T. Evans of Penhefyd. See Qu. 1164-1411, and 4811 *et. seq.*

Even when the agreement is reduced to writing it appears to be "far from an invariable rule to give a copy of it to the tenant," or if he wants one, he has, not infrequently to pay for it, while it was only in the case of 5 estates that Welsh translations of the agreements were found to be in use.

But with written agreements, copies frequently not given to tenants

As to these points the Commissioners make the following remarks (pp. 288-290) :—

"We realised at an early stage of our proceedings that the unconscious remissness and the lax practice of some owners and agents in this respect must be a source of numerous differences between landlord and tenant, and a cause of grave inconvenience, and conceivably, at least, of much hardship to the party that was bound by an instrument of which he had not a copy. We therefore thought it our duty, even at that stage, to express publicly at one of our sittings 'a strong recommendation that agreements should in all cases be printed in Welsh, and copies given to the tenants, and that these copies should be invariably given in all cases where the agreements are signed.'

"Scarcely any complaint was brought before us from the English-speaking districts as to the non-posession of a copy of the agreement, or as to any misunderstanding arising between a tenant and his landlord through ignorance of its contents, while on the other hand such complaints were painfully numerous in Welsh-speaking districts. Many bitter disputes and much chronic friction could be easily prevented if the landlord or agent took care (1) that the selected applicant for a farm should be thoroughly informed as to the conditions of tenancy, and this could be most effectually secured in Welsh-speaking districts by having the agreement translated into Welsh ; and (2) that a copy of the said agreement should invariably be given to each tenant, so as always to remain in his possession, accessible for purpose of reference in case of any doubt or forgetfulness as to the terms agreed upon."

and translations rarely met with.

Recommendations.

It is also pointed out that it is a highly desirable practice to give to each tenant a map of his holding—which can now be done at small cost owing to the completion of the Government Ordnance Survey for Wales. On the Margam estate every gate is marked on these maps, and duplicates of them appear to be utilized by the Agent for keeping a record of his valuation of each field at the commencement of the tenancy.

2.—CONTINUITY OF TENANCIES UNDER THE YEARLY SYSTEM.

It has now been seen that year-to-year tenancy is—at the present time, and leaving aside historical considerations—the prevailing form of tenure for agricultural land in Wales.

What measure of security of tenure does the average year-to-year tenant enjoy?

Theoretically, and in the strict legal sense, the yearly tenancy is a short and uncertain, if not precarious, tenure for an agricultural occupation, but the practical question which the Commissioners had to ask was: What measure of security does the average occupier actually, and as a matter of fact, enjoy in the occupation of his holding as a yearly tenant? To enable them to answer this question the Commissioners had to take into consideration a large number of facts relating to—

1. The length of tenancies in the past;

2. Changes of tenancy in recent years—have they become more or less frequent?

3. Land hunger, its causes and effects, especially its influence on the security of the sitting tenant.

No more striking evidence was perhaps tendered to the Commission throughout the whole inquiry, than that submitted, chiefly by owners and agents, in illustration of the continuity of the tenancy of families on the same farm or on the same estate. Thus Colonel Hughes, in giving evidence as to the 6 estates which belong to Sir Watkin W. Wynn, made the following statement (p. 290) :—

Continuity of tenancy,

On the estates of Sir W.W.Wynn,

"The custom of continuous family succession in tenancy has always been a predominant feature on this estate, in fact, on the Welsh portion it is and has been the invariable rule to accept a member of a deceased tenant's family as his successor. When there is a member of the family eligible to succeed, the preference is given to him or her ungrudgingly, and I cannot record any case where the widow was not allowed to succeed her deceased husband as tenant if she so wished, or, failing her, the son or other near relative. This continuity of tenancy is more in evidence among the Welsh-speaking tenants . . . who take as much pride in their heritage as if they were fee-simple owners of their holdings."

He then proceeded to give some "noteworthy instances" of this family succession, taking, apparently, 100 years as the minimum term to take into consideration, and leaving unaccounted for a large number of tenancies which presumably fell beneath that limit. His statistics on the point are thus summarised in the Report (p. 292) :—

"Out of 154 holdings on the Glanllyn estate (chiefly in the parishes of Llanuwchllyn and Trawsfynydd in Merioneth), two have been held by the same family for 400 years, five from 300 to 400 years, and three from 150 to 200 years, making an average in those 10 cases of about 286 years per family. Out of 200 holdings on the Llanbrynmair estate, five have been held hereditarily for 300 years or more, five from 250 to 300 years, and four from 100 to 250. Out of 111 holdings on the Llwydiarth estate, one has been held by the same family from 300 to 400 years, 11 for 'about 200 years,' 12 from about 150 to 200 years, and five from about 100 to 150 years.

The three preceding estates are situated in what may be fairly described as the most thoroughly Welsh districts in the whole of the principality, and more than half the tenants on them are 'monoglot Welshmen, unable to transact business or to converse in the English language.'

The three remaining estates are situated near the English border and were designated the "English" portion of the property. On the Llangedwyn estate of 103 tenants, 32 families have been on their respective farms for 'not less than three and many for seven generations,' nine families have been between 100 and 200 years, five for about 200 years, one for 300, one for 400, and one, 'the Foulks family, are supposed to have occupied Gartheryr for quite 1,000 years.' On the Llanforda estate of 52 tenants, one family has occupied the same farm for 150 years, five for 200 years, one for 250, and one for five generations. On the Wynnstay estate (proper), which has 108 tenants, 'there is comparatively little continuity of tenancy to record, as there is but one instance of a family having occupied a farm for more than 100 years.'

In comparing these three estates it is to be observed that the continuity is greatest in those districts where Welsh is still most largely spoken. Thus, out of the 103 Llangedwyn tenants, 11 are monoglot Welshmen, and the family surnames, in the examples given of continuous succession, suggest that it is the Welsh-speaking tenants who have clung with the greatest tenacity to their holdings from generation to generation."

The evidence with reference to some other estates was almost equally striking.

Thus, a detailed account of the approximate duration of the tenancy of 751 holdings (out of a total of 960, the remaining 209 not having been ascertained) on the Montgomeryshire estates of the Earl of Powis, and of 660 out of

The Earl of Powis and Mr. Assheton Smith,

700 selected tenants on the Vaynol estate of Mr. Assheton Smith, were presented in classified tables, of which the following is a digested summary:—

Duration of Tenancy.	Number of Holdings accounted for on	
	Powis Estate.	Vaynol Estate.
Between 1 and 40 years ...	387	118
,, 40 and 100 years ...	242	292
,, 100 and 200 years ...	99	144
,, 200 and 250 years ...	16	68
,, 250 and 400 years ...	7	38
	751	660

Lord Penrhyn,

On the Penrhyn estate, out of 618 farm tenancies, "there are about 167 farms which have been held by the same families for 50 years and upwards, and there are some tenants who claim that their families have been on the estate for upwards of 200 years."

And other North Wales owners.

Somewhat similar statements were made with reference to the estates of Lord Stanley of Alderley, the late Sir George Meyrick, and others in Anglesey, and as to the Garth-Meilio and Hafodunos Estates in West Denbighshire, while examples extending from 100 to 200 years were also said to have been *formerly* common in the Vale of Conway.

Similar evidence as to South Wales.

General statements to a like effect were made as to several large estates in South Wales also. For example, the Earl of Cawdor's "desire has always been to keep as much as possible the old families in the tenancies." Sir James Hills-Johnes spoke of "old tenants who have gone on from generation to generation," on the Dolau Cothy Estate, in Carmarthenshire. Colonel Turberville, of Ewenny Priory, in the Vale of Glamorgan, stated that on his estate "farms generally remain in the same family for generations."

Instances are also given from the estates of the Earl of Lisburne, of Mr. Harford (Falcondale), and of Captain Jones Parry, Tyllwyd, in Cardiganshire, and the statement of Mr. J. Gibson, of Aberystwyth, in his essays on *Agriculture in Wales* (1879, p. 5) is quoted to the following effect (p. 293): "some estates are virtually, from inter-marriages, in the occupation of one family; these inter-marriages go on from generation to generation, and owners of estates in Wales rather than rudely break up these clans put up with the losses and inconveniences of a low state of cultivation."

In those cases in which the preceding statements were entirely based on the tradition of the tenants themselves a little scepticism might possibly be wholesome, as family pride might have contributed to the length of the succession, as it sometimes does to the length of pedigrees. In was only in one case, however, that the Commissioners appear to have betrayed their suspicion, if they felt any, on this score, namely, when a witness in Welsh Gower asserted that he had at home a *printed* rent receipt showing that his present holding had been in the occupation of his family since 1500 odd. Making due allowance for a few possible exceptions of this kind, the evidence may undoubtedly be accepted, as it was by the Commission, as showing a most remarkable family succession in tenancy. A point that deserves to be noticed is that by far the bulk of the instances quoted refers to Welsh-speaking districts,—most of them in fact being in the Western Counties of Wales.

But in the light of their historical investigation as to the comparatively recent origin of year-to-year tenancies, the Commissioners are unable to ascribe the whole credit for this continuity to that form of tenure, owing to the very obvious reason that four, three, or even two centuries ago the yearly tenant was practically unknown.

This family succession dates back far beyond yearly tenancies to which it is due in small part only

"Though most, if not all, of these examples of a continuous family succession are found in connection with what are at present yearly tenancies, still such succession is by no means due to any superior qualities which the yearly possesses over other forms of tenancies. In fact, as most of the agricultural land of Wales was, prior to this century, held either at will (under the custom of the country) or on lease, and as the most striking examples of continuity date back to a period far antecedent to the general adoption of yearly agreements, it is clear that the explanation for the permanence of occupation is to be sought not so much in the nature of the instrument that creates and governs the tenancy as in the habits and characteristics of the tenants themselves. Probably the chief element in the national character which has influenced the duration of tenancies in Wales is the remarkable attachment felt by the people for their ancestral homesteads, for their birth-places, and for old associations generally. This is probably more accentuated among Welsh people than among the members of any other European nationality owing to the survival in Wales to a much later date than elsewhere of the tribal organisation of society in which the hearth was, as has been aptly said, 'the focus of the rights of kindred.'"

In this respect the Welsh farmer, it is remarked, bears a very close resemblance to the Scotch crofter.

"But in addition to this attachment to the home, Welsh tenants have also exhibited a strong personal affection for and loyalty towards the owners of their farms, in all cases where such owners are descended from a Welsh stock and have given proofs of their sympathy with Welsh ideas.

The personal relationship which existed in the past between landlord and tenant bore a close resemblance to the family, or at least a tribal, tie. 'As a rule it is easier to let farms on a large estate,' said an agent, 'as the same farms have been kept by the same family for generations. There is a sort of a family feeling between the landlord and tenant on the whole estate.' 'Nothing is to me more remarkable,' said Mr. Llewelyn Williams, 'than the loyalty which is expressed towards the old Welsh families, such as the Rices, of Dynevor; the Lloyds, of Glansevin; and the Johnes, of Dolau Cothy. The tenants have certainly never shown any lack of respect, loyalty and even affection for their landlords'.

An instance which illustrates both forms of attachment, that is to the ancestral home and to the owner's family, may be reproduced in full from the Report (p. 294). It refers to the case of Mr. Benjamin Davies, of Llettyderin, an aged tenant on the Llwydiarth estate of Sir W. W. Wynn:—

A typical instance of a Welsh farmer's attachment to his home.

"He was 76 years of age, and had lived for 42 years at Llettyderin, a small holding let at £10 10s. He gave a most deplorable account of the buildings, which he was unable to induce the owner to repair. 'The buildings at the present time are not fit to put a beast in. I had a calf last winter which I was keeping for rent, and through the state of the buildings the calf took cold and died. I have had several similar losses. The roofs of the house and buildings are of old thatch. The place at times is swarming with rats and mice. They get into the thatch and bore holes, through which the water pours on the bed. I have reared eight children. There is only one bedroom in the house. While my children were at home, myself and wife and the children all slept in the one room. The floor of the whole house is merely earth. I am afraid of the house being burnt as the chimney often catches fire on account of its being made of wood. I put the fire out by means of a long stick.'

Colonel Hughes, the estate agent, at once stated that he admitted witness's description of the buildings, but neither the quantity nor the quality of the land was such as to justify the necessary expenditure in building a proper farmhouse there.

'It is on the very extreme end of the estate down towards Meifod, and a more wretched place I never saw in all my life. When I got there (in 1888) I considered all about it, and decided at once that it was to be taken down, and I told the tenant so. I told him I was very sorry for them leaving there, and if I could do anything I would, but they clung to the old place. In 1891 I took Sir Watkin and Lady Williams Wynn there myself, and Sir Watkin said exactly the same as I did. He said: 'You cannot build there; he cannot carry to that place, and it is out of the question for him to help in any way,' and he was given distinctly to understand this there and then. However, he clung to the place.'

On being asked whether the place could not be 'patched up a bit' so as to put an end to the danger of fire, Col. Hughes stated that it had gone beyond that. He had also tried to get him some other place. 'We have not had anything yet, but he would not go. He stuck to the old place. I really was astonished. I was very sorry for it, but Sir Watkin said we had no alternative. If it had been a conscionable place to live in, we should have done it at once, but it was the very outside of the estate, as you go down the river.'

The proposal of the agent was to attach the land to another small place close by, but he 'had nothing else to suggest,' though he once more reiterated that he was 'very, very sorry' for him. In this case there was no question of any ill-feeling on either side: 'we had a joke together only the other day at a dinner to which Sir Watkin came,' said the agent, 'and I think he (the tenant) turned out the smartest of the whole lot.'"

Changes of tenancy more frequent of recent years.

Though there are no means of ascertaining statistically whether changes of tenancy are now "more frequent than than they were at the commencement of the century, still it is only natural to assume that, in common with almost all classes, the agricultural population were more stationary prior to the great industrial development which has been so marked a characteristic of the last hundred years. All the evidence tendered seems to be confined to the last 40 years, and in many cases to a much shorter period. In so far as the changes in question were entirely voluntary, they were the natural result of economic forces, and indicated a widening of ideas and the growth of a spirit of enterprise among the tenantry, but wherever they have been compulsorily effected they indicate an injurious antagonism of interest between landlord and tenant, which produces in the mind of the latter a sense of the insecurity of his tenure, and ends by paralysing all agricultural enterprise."

Apart from the so-called political evictions which have already been dealt with, perhaps the chief cause of involuntary changes on the part of tenants of recent years has been the sale of estates or detached portions of estates—which has lately been of very frequent occurrence. Apart from the question of sales, however, it is stated that changes of tenancy do not appear to have increased on the larger estates, and perhaps we should add, even on many small estates when managed by agents who have supervision over arge areas.

"'I do not think,' said the Earl of Cawdor's agent, 'that in the 30 years of my management we have had an average of one change a year,—not an entire change of tenancy.'

'Scarcely ever a change of tenant; there have been hardly any changes at all for years' was the experience of Mr. J. M. Davies of Froodvale, who acts for several estates in South Wales."

"But in many parts of the country, especially on the smaller and more scattered estates (with the exception

mentioned) changes of tenancy are greatly on the increase. They were stated to be 'very much more frequent' in the Vale of Glamorgan, and the Vice-chairman of the Cowbridge Farmers' Club attributed this increase to a very common want of consideration on the part of landlords in not making timely reductions of rent to the sitting tenants.

'I attribute it to the fact of land having risen in rent from the year 1875, or thereabouts, or prior to that, 1872 or 1873, and since 1875 I think a general depression has set in and necessitated the existing tenant either having a reduction or being unable to pay his rent. Where application was made to his landlord, as a rule he scarcely saw the necessity until unfortunately the tenant was unable to pay the existing rent, and in some instances it led to the tenant having to give up his farm. The hardship I would complain about is this, that the new tenant not only would have the farm at a very considerable less rental than his predecessor, but that he would have all improvements or very many improvements of his farm that the late tenant had asked for in vain, and that has been the cause of the change.'"

Similar statements are quoted with reference to certain parts of nearly every county in Wales—Welsh and English-speaking districts *alike*—and specific instances relating to individual holdings, "some of them admittedly of an exceptional character, but others of more typical nature," are cited in illustration.

Thus, "the Rev. W. Thomas, of Whitland, said that he 'knew a small land tiller years ago, whose tenancy was under 20 years; yet he had in the house 16 notices to quit.' He also mentioned the case of a farm whose tenants had been changed 10 times in 32 years.

Mr. T. Phillips, of the Stores, Llangadock, produced a table giving, for two hamlets in the parish of Llangadock, the names of the farms, the acreage of each, the number of notices served, and the number of tenants who had successively occupied each during the last 25 years.

'From this table it will be seen,' said Mr. Phillips, 'that the number of holdings is 97, the number of notices I have traced is 145, while the probability is that a considerable number remain yet unaccounted for; the number of occupiers during that period is 184; in other words, taking the whole of these 97 holdings, each has had on an average two tenants in 25 years.'"

Chief causes of involuntary changes of tenancy.

In view of these and like statements, the Commissioners therefore proceed to inquire what were the causes and circumstances which, broadly speaking, are at the root of most of the notices to quit given. The evidence which is summarised under this head suggests the following as being, at present, the chief causes of what may be described as involuntary changes of tenancy.

1. Friction in civic work and local government.

1. Friction between landlord and tenant in connection with the work of local government, and the performance of civic duties.

2. Disagreement between landlord and sitting tenant as to any proposed variation in the conditions of the tenancy, *e.g.*, re-settlement of rent after re-valuation.

3. Sales of property.

As to the first-mentioned cause (which, however, comes last in order in the report itself), very little need be said, as the kindred subject of political interference has been fully dealt with already.

There are, however, a few points of difference : First, practically all the political evictions that came before the Commissioners belonged almost to a previous generation, and owing to that remoteness their influence on current events was questioned by many witnesses. On the other hand the cases referred to here are of recent occurrence.

Moreover, most of the evictions, which formerly resulted from parliamentary contests, "were almost invariably associated with the largest, and in some respects, the best managed estates, while on the other hand, the landowners who exhibited most partisan feeling in local and parochial matters belonged, for the most part, to the class of small proprietors, who owned a few farms only.

Thus, in one such case it was alleged that a tenant had been compelled to leave his farm in 1888, 'because he voted for a guardian at the election of guardians, against the will of the owner,' who, however, absolutely denied the allegation.

In another case which occurred about six years ago, two old tenants were evicted from their holdings for having voted in the parish vestry on some parochial affair against their landlady, Mrs. Morgan, late of Capelhir, in the parish of Talley, Carmarthenshire." (p. 310.)

The management of educational matters has also been the source of much friction in many cases. Thus Mr. John Parry, of Llanarmon, took a prominent part in favour of forming a school board in his district, but after the vestry, which decided in favour of the movement, he experienced a marked change in his landlord's attitude towards him, which ended in his giving him (Mr. Parry) a notice to quit.

"The county councils have introduced a new sphere of local activity, but, they have also in their elections, produced a new source of friction,"—and it is therefore no wonder that several allegations were made of the differential treatment of tenants, and even of evictions in connection with such elections. It is unnecessary to reproduce the details of these various cases, but they illustrate along with other facts the extreme sensitiveness of the Welsh farmer's feeling as to the security of his occupation. In fine, the Commissioners quote (p. 312) the conclusion arrived at by a journalist who claimed that he had for many years closely followed public movements in the county of Montgomery (Mr. F. E. Hamer, now sub-editor of the *Manchester Guardian*):—"From a

long and intimate acquaintance with tenant farmers I have come to the conclusion that there is among them, as a class, a greater sense of insecurity and dependence, and a larger measure of fear in making known their opinions, where these are at variance with those of their landlords, than among any other class I know."

The question therefore arises, the Commissioners observe (p. 310), "as to how far a tenancy from year to year, as it stands at present, is compatible with the unfettered and conscientious performance of the other manifold duties of a citizen, which, especially with the extension of local government, must naturally devolve upon the agricultural classes."

2. Attempts at varying conditions of tenancy for sitting tenants.

The second main factor in producing a sense of insecurity of tenure arises from disputes between landlords and sitting tenants as to variations proposed in the conditions of tenancy. Extracts from the evidence illustrating such disputes are quoted at much length in the Report, but one fairly typical specimen will perhaps suffice for reproduction here. It shall be given in the actual words of the Report (p. 300):—

Agricultural Holdings Act of 1883 affording no protection for *sitting* tenant.

"The keynote of most of the tenants' complaints in this respect was struck by Mr. Daniel Roberts, an aged retired tenant, who had once held, perhaps, the best and largest farm in the Vale of Clwyd.

"'There is nothing in the Agricultural Holdings Act, as far as I can see,' he said, 'to protect the sitting tenant without his being an outgoing tenant.' My landlord could say to me this: 'You must do so and so,' and after he got me on the farm, and I had spent a lot of money there, he could say, 'You must sign this agreement or take notice.'

"In the year 1856 I took a farm called Bacheirig, in the parish of Llanfair Dyffryn Clwyd, on the Bathafarn estate. We were for four or five weeks discussing the agreements. I then considered myself quite free. I had nothing to lose. However, we at last agreed, and I took the farm at a rent of £200 per annum, and we both signed the agreement, and I took possession at once. In 1859 (three years after I took the farm) the landlord required another agreement to be executed by all his tenants. He sent for three of his largest tenants (I was one of them), thinking if he could obtain the signatures of us three that the others would do so. We had been with him three or four times before we gave way, but I found myself then in a very different position to what I was in 1856.

"'I found myself fastened as sitting tenant, having spent £200 or £300 on the farm, and so was compelled to sign the new agreement or leave the farm. Two of us signed it on the 28th May, the very day to give notice. The other refused, and consequently received a notice to quit on that day. However, I did go on improving my farm as fast as I could. In the year 1863 (seven years after I took it) I entered it for competition in the Denbighshire and Flintshire Agricultural Society, and got the first prize. In November 1869, a farm adjoining mine became vacant, and as I kept my children at home, and found my eldest son would want somewhere before long, I took the farm, notwithstanding the bad state it was in. I was for three years without receiving a shilling towards the rent, which was £232 per annum. In the year 1875 all the tenants received a notice to quit, as the estate was to be re-valued by a London valuer. The object of the valuation was to raise the rent if possible all round. In the meantime, I arranged with my son that he should take Bacheirig and I take Bathafarn, considering at the time that it would be a good start for

him with £500 or £600, which I had left for him in the farm. After the valuation had been completed, both of us consulted the landlord, with the result that my son was compelled to pay £29 more rent, and by doing so the landlord pocketed what I expected my son would have. The whole improvements on the farm had been done by myself.

"As to my own case at Bathafarn, only five years after I took it I had to pay £19 10s. more rent, and the landlord told me then that if I would not agree to pay £19 10s. more, there would be plenty who would like to have the farm, when I had £500 or £600 in it. Between my son and myself, he took at least £1,000 of my capital. However, both of us carried on as well we could, and in the year 1877 I took the first prize for Bathafarn in a competion in connection with the Denbighshire and Flintshire Agricultural Society, and to get the farm into that condition cost a deal of money. I am prepared to say that the sitting tenant is still at the mercy of his landlord.' We should add, however, that the rent of Bathafarn farm was reduced about 1890, from £220 to £180 for Mr. Roberts' son who succeeded him in its occupation.

"Mr. Roberts then proceeded to point out his objections to the new agreement. Under it the tenancy was terminable by a six months' notice to quit. 'You have to keep (the farm) in a regular and progressive state of improvement, and to be subject to that notice after all, without any compensation or anything; it is very much against good farming in my opinion.' To illustrate this last contention, the witness, with the utmost candour, further stated what he, himself, had done, after his rent was raised, 'Four years after I took Bathafarn, that was in 1874, I sowed 16 acres of grass field for permanent pasture. It cost me 30s. an acre. After I found I was obliged to raise the rent in 1876, I ploughed that up in a year or two after, because I got uneasy. After that, I had no confidence to go on as I did before.' Mr. Roberts's final words as to his own case seem to represent so admirably, and in such characteristic language, the feeling and opinion of the tenants generally that we cannot do better than quote him once more:—'I have had, all my life, a great faith in the landlords. I would not have expected what I have had from anybody, but still we do not know who will be the landlord in another year. We ought to be protected as well as the landlord. They do prepare in the agreements for themselves, but nothing for the tenants.'"

The Commissioners in conclusion observed that "the case of Mr. Roberts by no means stood alone. Many another instance was given of the notice to quit being used as a means of obtaining the assent and signature of a sitting tenant to an agreement which contained some modification of the original contract in the form of clauses which the tenant considered objectionable. In some instances the new or modified agreement would be submitted to the tenant only a short time prior to the usual date for giving notices, and the coincidence, whether intended or not, would be readily interpreted by the sensitive tenant as an act of intimidation on the part of landlord or agent."

3. Frequent sales of property —a cause of much insecurity

Thirdly, another cause of "a very deep-rooted and widespread sense of the insecurity of a tenancy from year to year" is to be found in frequent sales of property. This is, moreover, a cause which no one appears to deny or wishes to minimise its injurious effects. In the view of the Commissioners (p. 304), "those tenant farmers who have expressed themselves as satisfied with the present state of

things, seem to place their confidence in the personal honour of their landlord or agent, and not in the nature of the tenure under which they hold. They do not anticipate any change in the ownership nor in the long-established principles which have governed the management of the estate in the past. But in the words of Adam Smith, 'confidence in a landlord attaches to himself only, and not at all to his successor.' And as property after property comes into the market, the tenant, too late, discovers that his confidence has been misplaced, and the feeling of insecurity, of which his case is but an object lesson, spreads contagiously among other tenants, friends, and neighbours, who had previously shared a similar sense of fixity in the occupation of their holdings."

In fact "the mere prospect of such a sale wholly unsettles the tenants, producing in them feelings of distrust and alarm, while the general sequel takes the form of more frequent changes of tenancy, the confiscation of tenant's improvements, an increase of rent, and the introduction of new conditions, possibly good in themselves, but none the less distasteful to the sitting tenants, as being superimposed on them by a new-comer."

A few facts are then given so as to show the extent to which land has been placed in the market of recent years, statements being also quoted as to the effect of such transactions on the tenantry.

In Anglesey 11,553 acres have been sold by five owners between 1889 and 1893, and it was repeatedly stated that "the chief cause of changes of tenancy at present is that much land is sold," similar statements being also made as to the Lleyn portion of Carnarvonshire, the Vale of Conway, as well as many other districts.

"One witness said that the whole of the Vale of Conway had been sold and much of it several times over between 1850 and 1892. At the earlier date it was a common thing for farms to have been held continuously by members of the same family for 100 to 200 years, but that is not the case at present. In the case of one of the estates sold in the district, that of Bodnant Hall, we are able [the Report says] to trace the effect of the change in its ownership on the tenants. It was purchased about 1873 by Mr. H. D. Pochin, who thereupon had it valued, with the result that the rents in many cases were advanced. The total number of tenants were 25, but in 1893 only four of the original tenants were still on the estate, all the others having left owing, according to one witness, to the increase in rent. The landlord's version was that the tenants had "dismissed" or "got rid of themselves" owing to their improvidence in becoming security for other tenants. The history of the Hirnant estate in Merioneth is somewhat similar. It consisted of 15 or 16 tenancies, and the owner, Mr. Richardson, tried, about 1870, to advance his rents, but all the larger tenants left. Some Scotchmen were introduced into the district to replace the Welsh tenants, but these failed. In about a year afterwards the estate was sold and relet, but again the new tenants found

the rents too high, and all of them gave notice with the view of obtaining a reduction, which in at least some cases was secured.

"A tenant from the parish of Pembryn, in South Cardiganshire, said with reference to his holding on the Gogerddan estate: 'We have lived in such suspense the last twelve years that we have no fair play to make the most of the land. I remember six notices to quit, but my mother remembers from 15 to 20. Our farm has been in the market for the last 12 years. In 1890 we received the last notice to quit, and the farm was again put up for sale, £1,800 being the highest bid. We then rented it again for three years.'"

Option of purchase sometimes offered to tenants, but more often not.

According to Mr. Gwilym Evans, of Llanelly (who mentioned the sale of 32 farms near Llandovery in May, 1884), "one of the complaints frequently heard," is, that farms are sold over the heads of the occupiers not only without offering them an option of purchase, but also without informing them of the intention to sell. Several instances of this practice are given, in some, though not all, of which the sitting tenants were said to have suffered owing to the change of ownership. But such cases of private sales are, according to the Commissioners, of an exceptional character, and "by far the greater proportion of the land sold in Wales of recent years has been disposed of by *public* auction, but without the offer of pre-emption to the sitting tenants. So far as the evidence tendered goes, it appears that the instances where such an offer was made are extremely rare. The best known example is that of the Ecclesiastical Commissioners, who within the last ten years have thus sold 9,500 acres for £153,000, the holdings being first offered to the sitting tenants on a system of deferred payments. On one estate, belonging to the Commissioners in Pembrokeshire, the whole of the tenants bought up their farms under this system." (p. 306). The first refusal of their farms was said to have been similarly offered to the occupying tenants, when portions were sold of the estates of Lord Boston, Sir R. Bulkeley, of Baron Hill (both in Anglesey), of Lord Ashburnham, in Carmarthenshire, Mr. Harford, of Falcondale, and one or two others.

But "judging from the tone of surprise with which several owners and agents answered our questions as to whether such an offer had been made (in the case of other sales) we may reasonably assume that in the majority of cases the tenants are not given an opportunity of privately purchasing prior to the public sales.

For example, Mr. A. C. Bruce-Pryce, who sold a small estate of 1,700 acres in the Vale of Glamorgan in 1893, stated that he 'had no idea of anything of the kind—not the least in the world,' adding that he might just as well have offered his property to his servants."

Tenants invariably served with notices to quit, which are often almost expiring before the sale.

With reference to other grievances connected with sales, the Report proceeds thus (p. 306):—"Nor is this all. When farms are advertised for sale the first and almost only object of the vendor is to secure the best possible price for his property, and the particulars of sale are framed with that object in view. The condition of the farm as to cultivation and improvements is naturally emphasised, and the rent is almost invariably described as low or moderate, though some cases were mentioned where the rents had been even raised prior to the sale, so as to show the buyers that the rents were so much. To enable the buyer to have the purchased property in hand almost immediately after the sale, notices to quit are, according to the testimony of Mr. J. E. Vincent, 'invariably given by the vendor' prior to the sale. This he described as a 'formality which was considered necessary,' adding that 'at the same time that that is done, you will invariably see in the auction bills that the inducement is held out to the purchaser that there are so many good tenants, so that it is apparently not intended to get rid of them.' The intention of the vendor, unless made legally binding on the purchaser,* is worse than useless for the occupiers, especially when the purchaser pays a higher price for the property in respect of their good character and settled habits.

So that tenants are thereby driven into a corner.

"But one unobserved hardship of this system is that the usual length of the notice to quit, whether it be six or twelve months, is in effect often seriously curtailed to the much shorter time that intervenes between the sale and the customary date for giving up possession. Until the tenant discovers, at or soon after the sale, who his new 'master' is going to be, he cannot ascertain whether it is intended that he should continue in his holding, and, if so, whether the conditions for re-letting it to him would be such as he could accept. At all events, owing to the reduced period of time at the disposal of the tenant to negotiate the terms of the re-letting with his new landlord, and on failure thereof, to find, treat for, and take another suitable holding elsewhere, a tempting opportunity might be afforded a speculative and unscrupulous purchaser to extort from the helpless tenant almost any terms that he might see fit to impose.

"One landowner—Mr. Vaughan Davies, of Tan-y-bwlch, Cardiganshire, actually provided, by a clause specially inserted in his agreements by his legal advisers in 1888, that if the premises were sold in any year prior to

* In the case of the recent sale of the Wrington Estate, in North Somerset, the vendor (Captain Forester) is reported to have made it a condition of the sale that no old tenants should be disturbed so long as they chose to remain in possession (The "Times" for 2nd May, 1895).

the month of July the tenancy should expire in the Michaelmas following, so that if such a clause were legally valid, as the tenant fully believed, the notice to quit implied by the sale would be reduced to one of three months only. The farms to which these agreements referred have, according to the owner, been in the market ever since 1888. As they are mountain holdings with sheep walks there may be some difficulty in disposing of them at prices that would satisfy the owner, but so long as this state of things is prolonged the tenants have practically no security of tenure, and are but little removed from tenants holding at the mere will of the owner.

"There is one other point that deserves mention in this connection. There is no need to emphasize here the intense anxiety felt by most tenants to purchase their own holdings, unless there is reason to believe that they will be purchased by some landowner whose reputation for fair dealing with his tenants is well established. Many are the heroic efforts made to secure that the family home be not disturbed owing to a change of ownership. With such an object in view, the tenant is blind to the identity of those who bid against him, but if in the long run he is out-bidden by another, the very fact of his opposition in the auction room is likely to tell against him with his new "master," even though that opposition was prompted by the laudable desire for securing his own tenure and protecting his family."

An aged tenant told the Commission how his holding was put up for sale and that he bid for it: "However, (the late) Mr. Price, of Rhinlas, was the purchaser, and he refused to let me the farm, giving as his reason that I bid against him."

The opinion is expressed (p. 307) that "cases of this kind are probably rare, but they illustrate the embarrassment caused to the tenant, whatever line of action he may take to protect his interests. But though instances of the actual displacement of the tenant directly in consequence of the sale may be rare, yet the instances in which rents have been raised subsequent to such sales are exceedingly numerous."

A landowner who purchases a farm by bidding against the sitting tenant might reasonably argue—the Commissioners point out—that "if it be worth the penultimate bidding to the sitting tenant, who would have to borrow, perhaps at a high rate of interest, it would surely be worth the final bid, a further £5 or £10 at most, for himself who could borrow if necessary at easier rates. When, therefore, on re-letting, he fixes the rent on the basis of a percentage on the purchase money he practically accepts the sitting tenant's own valuation of the farm, reserving to himself the decision as to the rate of interest thereon. Nevertheless, though the tenant's own conduct may be taken as justifying every subsequent act on the part of his new

landlord, still, that very conduct is in the first instance referable to a sense of the insecurity of tenure and to that land hunger which is inseparably bound up with it."

The sense of insecurity thus produced—a most important factor

Some typical statements are quoted illustrating how tenants had been induced to spend freely on improvements without any guarantee for repayment beyond such a verbal assurance on the part of the owner or agent as—"once on our estate always there," or "my word is as good as a lease;" and how, suddenly a few years' after, the property is put on the market and knocked down to the highest bidder.

Nothing that the Commissioners heard or saw appears to have impressed them, one and all, much as this form of insecurity, and they observe that "so many witnesses—representatives of various interests in every county—have laid the utmost stress on the insecurity resulting from the breaking up of estates, that it is impossible to exaggerate its importance as a factor in the Welsh land question

"Perhaps the most striking testimony" received under this head, the Commissioners say (p. 309) "came from the mouth of Mr. J. Bryn Roberts, M.P., whose words we shall therefore quote here at length: 'I practised for many years —for 19 years – in this country as a solicitor, and being a liberal solicitor, of whom there were not many at the time I commenced practice, my assistance was generally sought in cases where tenants came to difficulties with their landlords, and I got a considerable knowledge then of where the shoe pinched, and I found it was always in a case of this kind. It rarely occurred, in fact, I may say never, on these large estates, unless they were sold. As long as a place continued on these large estates there was no difficulty; of course the difficulty remained of their being completely under the thumb of the landlord, of whom they were not much afraid, of the agent, of whom they were a bit more afraid, and of the game-keeper, of whom they were very much afraid; but when some of these estates were sold, then the purchaser naturally said:—'I have paid for this place as I have got it; I have paid for it as it stands'; and he would not be disposed to give much consideration to the tenant. All the cases, very nearly without exception, in which my assistance was sought for, were cases arising in that way, where properties had been sold, and very, very cruel injustice had been done."

In fact Mr. Bryn Roberts regarded security of tenure of so great an importance as to make it the main provision of the Welsh Land Bill, which he introduced into the House of Commons.

"If I were asked," he said, "whether capricious or vindictive eviction is often resorted to I should say no, it is not, but the power to resort to it is enough, and a great deal too much. It destroys all independence in tenants, and makes them totally unable to resist the will of the landlords on any subject whatsoever."

3.—THE LAND HUNGER: ITS CHARACTERISTICS AND EFFECTS.

Land hunger the ultimate cause of insecurity of tenure.

The various circumstances which have been hitherto dealt with may be said to be, broadly speaking, the *occasions* rather than the ultimate *causes* of any real insecurity of tenure.

The Commissioners, therefore, proceed to ask themselves what is the primary cause or causes of this alleged feeling of insecurity considering that, after all, most of the large estates as well as many other small ones also, are able to show a remarkable record of family succession in the occupation of holdings. Their reply is—LAND HUNGER; and the following are their remarks on the point (p. 312):—

"The two main causes productive of this sense of insecurity among tenants—so far as we have yet considered the evidence—are, first, the power possessed by every landlord (but rarely exercised by the good one) of capriciously evicting a tenant or of threatening to do so, and, secondly, the change in the ownership of a holding by its sale over the head of the sitting tenant—a cause which is now becoming more frequent than formerly, and has therefore to be regarded as a possibility in connection with every estate. The initiative in both these causes lies on the owner's side. But there is another cause which precedes and renders possible, even if it does not directly produce, the two causes which we have mentioned. This lies wholly on the side of the occupier. It is not spasmodic or intermittent as the other causes, but is an ever-present element which is at the very root of the land problem in Wales, and is certainly far more productive of a sense of insecurity than sales or capricious evictions. This is the great craving for land which we found to be a most marked characteristic of the Welsh in common with other branches of the Celtic races. That a land hunger of the most insatiable type exists throughout Wales, and that excessive competition and a reckless bidding for farms are its inevitable results were but too clearly demonstrated to us by the unanimous testimony of all the witnesses, whether landlords, agents, or tenants, or whether

A characteristic of Celtic races.

they were independent observers not so directly connected with agriculture. With what is probably the originating cause of this passion for land, we have already dealt briefly in the course of our remarks on the length of tenancies. We then found that it was the sacred attachment for the ancestral home that could alone account for the remarkable duration, in many cases, of the family connection with the same holding. But only one member of the family—generally the youngest or the member that remains longest unmarried—can hope to succeed the parent in the occupation of the old home. For the others, other holdings would be required, and for these they must wait. One of our number is personally acquainted with a case in which the grandfather, parents, and three married sons and great-grand-children reside in the same farmhouse, while another Commissioner is acquainted with an instance somewhat similar in the case of a small freeholder. 'The sons and daughters married have to wait for a farm, sometimes two or more families live in one house . . . . many newly-married couples cannot get farms.' To attain this end, all considerations are set aside, and the result is therefore an unbridled competition for land, a craving to be satisfied at almost any cost, whether material or moral, regardless of the prior claims and interests of existing occupiers or their relatives. It is the knowledge of this that makes it possible for a landowner, should he so desire it, to evict one tenant whether with or without a reasonable cause, and to substitute another in his place, without the slightest difficulty, however great the agricultural depression may be at the time. Or, to put it from the occupier's point of view, it is because the sitting tenant is too well aware that there are many who are ever ready to step in and take his holding on any terms that he is afraid of doing anything against his landlord's interest, or of bargaining with him so freely as he would otherwise do. 'How can we press and insist upon a thing which we cannot demand?' asked a tenant farmer, 'for,' he added later on, 'a new tenant is almost always ready to give any rent for his holding the first time.'"

Facts illustrating this hunger.

The Commissioners then proceed to mention "a few of the more salient points deducible from the copious mass of evidence" illustrating the existence of this land hunger.

1. No derelict land in Wales.

1. Derelict farms are unknown in Wales; nor so far as it is possible to ascertain, has there been during the present century any appreciable quantity of the cultivable land of the country out of occupation.

"On the other hand there are undoubtedly scores of mountain farms of all sizes, which consist only of land that, according to the opinion both of the expert and the ordinary observer, cannot possibly be beneficially occupied as separate and self-contained holdings. Colonel Hughes referred sympathetically to the struggles of the occupiers of such land, 'with their mud hovels and the defective buildings, where even in the good times, they were able to exist with infinite difficulty, eking out a miserable and laborious life.'

"If, therefore, there is no prospect of a remuneration proportionate to the joyless and unattractive nature of the life which these mountain farmers have to lead, we may very well ask why are they there? Why are there in Wales so many holdings with inhabited homesteads, at extreme altitudes, where, owing to the variations of the climate and the sterility of the land, the remoteness of the situation, the badness of the roads and the consequent inferiority of the buildings, their occupiers have but little share in the comforts and amenities which science and civilization have placed at the service of the humblest and most laborious toiler in almost every other sphere of life?

"Surely there is nothing but the consuming passion, the leech-craving for land, that can account for such a state of things. These men and their families would not persist in prolonging this miserable existence unless they were wholly possessed with the feeling that they must at all costs have a little holding under whatever circumstances, and that without it life for them would not be worth living. To this end, it is true, a strong attachment to their own form of religion, and also to their native language, has undoubtedly contributed, by preventing their migration to England or elsewhere" (p. 313).

2. No trade union organisation among farmers,

"Another circumstance which indirectly proves the existence of a land hunger in Wales is the fact that there is not, nor has there ever been—at least for any length of time—among tenants and applicants for farms any sort of combination in the nature of a trade union, nor any such concerted action as is generally associated with that form of organisation. Even after the most reprehensible and unjustifiable evictions, the holdings thereby vacated have been invariably relet to new tenants without any difficulty whatsoever. However emphatic may be the condemnation of any given eviction, or of the treatment of an outgoing tenant by his landlord, the force of such public opinion has never been strong enough to restrain applicants from eagerly competing for the evicted tenant's holding. What is known in Ireland as the system of "boycotting" has, we believe, never been adopted or even tried by Welsh tenants in their dealings with their landlords, except, perhaps, in South Wales at the time of the "Rebecca Riots" in 1843. It was only in one case that it was stated in evidence that a combination, bearing an affinity to that which we have referred to, was ever successfully resorted to by the tenants."

The combination referred to (p. 314) occurred on the Aberhirnant estate in Merionethshire. All the tenants, a few years ago, giving notices to quit simultaneously with the view of obtaining a reduction of rents.

Collective action on the part of the tenants of an estate or district in the adoption of a petition asking for reductions or abatements in rents has, as a rule, proved anything but successful on the apparently rare occasions when it has been tried. Thus in 1891, the landowners of South Pembrokeshire declined to treat with the tenants as a body, but when approached by each tenant individually they granted abatements. In 1886, many tenants on the Rhiwlas estate signed a petition asking their landlord for abatements. Those who signed the petition received an abatement of 5 per cent., those who did not, were granted 10 per cent, A former tenant of the Nannau estate, alleged that after he had been concerned in the preparation of a similar petition, his signature being placed first on it, all the tenants, with the exception of himself, received an abatement of 10 per cent. But when tenants meet together with a view to privately discussing proposals for united action, their confidence appears to be in danger of being betrayed by members of their own body. Thus the agent for Miss Talbot's Gower estate asserted a knowledge of what had occurred at a strictly private meeting of the tenants, and "the obvious inference," according to the Report, "was that one of the tenants had either betrayed the confidence of his fellows, or had made a false statement as to the proceedings at the meeting."

Who, owing to suspicion and treachery, are incapable of successful combination.

Mr. T. Prichard, the agent for the Bodorgan estate in Anglesey, in fact asserted that "there is no real spirit of honest combination and co-operation among farmers, and no mutual confidence. They will not stick to any rules, and, on principle, each man fights for himself." "In other words," the Commissioners observe, "the spirit of competition for the acquisition of land has hitherto been too universal among them to render possible any real, lasting, and effective combination."

A North Cardiganshire tenant referred to "farmers going and trying to cut one another's throat" by competing and bidding against sitting tenants when they try to get their rents reduced." The following reference to some Pembrokeshire evidence is typical of many of the statements made under this head:—

"Mr. Benjamin Perkins gave, at Letterston, an account of a meeting of farmers held at Maenclochog, to select and instruct a delegate to give evidence before the Commission. 'There were several complaints as to high rents' he said, 'but there were only a few who blamed the landlords or their agents; they greatly blamed those who were ready to take a holding should a tenant threaten to give up his place in order to try to get the rent reduced. There was no sympathy shown by competing tenants to one another.'"

Some further light on the extent and character of the land hunger is obtained by considering the evidence as to the number and qualifications of applicants for vacant farms.

As to qualifications or competency, it is stated that "as a rule the applicants for farms are not possessed of capital proportionate to the size and nature of the holding for which they are applying. In too many cases there would appear to be hardly any capital at all, but even insolvency and indebtedness do not deter people from eagerly taking—if they can—holdings which they know they cannot profitably work, and which they must ultimately relinquish with their credit and reputation seriously impaired, and themselves involved in difficulties that will perhaps cripple them for the rest of their lifetime and be a ruinous inheritance to their children."

3. Want of capital no check upon the passion for land.

According to the Inspector-General in Bankruptcy, the most frequent cause of agricultural failures in Wales is, admittedly, want of original capital. A farm when taken is consequently understocked, or the deficiency has to be made up by borrowing, but "the interest on the borrowed capital becomes of course an increase of rent," so that, according to the Report, "it would almost appear that agents had been so long accustomed to a state of impecuniosity on the part of applicants (especially considering that the interests of their own employers are adequately protected by the preferential right to rent) that they had at last accepted want of capital as an inseparable condition of most lettings."

As to the numbers of those applying for farms, the Report says (p. 318) that "according to the statements of owners and agents there is at all times, however great the agricultural depression, an abundance of applicants for any farm that may be to let. This competition is keenest in Welsh-speaking districts, but is never wholly absent in English-speaking localities as well."

4. Super-abundance of applicants for farms, whether vacant or not.

Thus, the agent for Mr. Assheton Smith's Vaenol estate said it is quite a common thing to have 20 or 30 applicants even for a poor farm, while as many as 45 were said to have applied for a Baron Hill farm in Anglesey "some 6 or 8 years ago."

The late Mr. H. D. Pochin, of Bodnant Hall, said that there was a great difference in this respect between Wales and England: "Lord Spencer had recently had a great deal of his property in Northamptonshire on his hands unlet, but in Wales there are a number of applicants, some of them being without a penny in the world."

The same eager demand for farms is noticeable in the border districts, but here the applicants are as a rule less impecunious. Lord Kenyon's agent said that he had on his books 30 or 40 names of eligible men, whom he would put into any farm that might become vacant, but "the moment a farm is to let it is snapped up;" and the agent for some other estates in the same district said that only a week prior to the Commission's visit in August 1894, three men of capital had applied to him at Wrexham market for farms, though he had none vacant; while a tenant from near Newtown said that in 1858 his father was selected tenant of a farm (previously held by his uncle) out of 35 candidates, adding that "the farm was only open from half day on Saturday until Monday afternoon."

A similar state of things prevails in South Wales also, and the Commissioners appear to think that Carmarthenshire, Cardiganshire, and the Welsh-speaking part of Pembrokeshire, are "notoriously pre-eminent" for the land hunger which is described as being, within that area, "unquestionably of the worst type."

There is, however, no scarcity of applicants in the eastern counties, where the demand for farms is, moreover, generally increased owing to the competition of men following other occupations in towns and industrial centres. For example, on the Glanusk estate in Breconshire, when a large farm was expected to become vacant through the tenant's death, over 20 applications were received for it from first class farmers in the neighbourhood.

The Margam agent referred to a recent vacancy near Cowbridge for which he had 24 applicants, and Mr. Edward John, a seed and implement merchant of that town, spoke of 20 or 30 applicants competing for a farm as a matter of common occurrence, while a responsible witness, from Gower, asserted that "if there were 100 farms in Gower to let next week, there is no doubt they would all be taken." His own family circumstances went far to prove his assertion. "I have seven sons," he said; "at present I want five or six farms. I have applied for farms to Sir John Llewelyn and his agent here, and many other gentlemen, but there is not a farm to be got. We have no land in the country to spare."

As to Pembrokeshire, the Rev. G. Bancroft, of East Williamston, said that "people will take farms even if they are ruined—and they do so. To me," he added, "it is a mystery, but they will do it; they will take land although they know it will not pay." Referring to the same thing, a witness from the Fishguard district said "people had got drunk on land."

About 60 applicants recently tendered for Posty farm, near Maenclochog, while about 30 competed in 1893 for a compact little farm near Myddfai in North Carmarthenshire, and 31 for a small farm of 62 acres near Abergwili, although the sitting tenant was not under notice to quit and in fact still in occupation.

A very injurious effect is naturally produced upon the character of the tenantry by this reckless competition, to which reference is made as follows (p. 322):

Effect of competition on moral character of tenants.

"One result of this excessive competition is, that the applicants, in their race for priority, are driven to do things of which, in their saner moments, they are heartily ashamed, so that a serious loss of self-respect is the natural consequence. It is by no means an unknown thing, in fact it is one of too frequent occurrence, for applications on the death of a tenant to be lodged with a landlord before the funeral is over. Public opinion and the moral conscience of the tenantry at large, it is true, most emphatically condemn such indecent haste, but the individual is too often ready to repeat it under slight pressure of circumstances."

"Dr. Rhys Jones, of Cardiff, in speaking of his father's holding in South Cardiganshire, said that his father had to go to his landlord the afternoon of his father's funeral, because others had been before him. 'He, however, had to deal with a landlord less hungering and more honourable than his neighbours. I believe,' he added, 'the evil is much aggravated since that dark summer day for my father in 1832.' In witness's opinion 'the farmers, of all men, are the worst to outbid each other.'

"From the neighbourhood of Newcastle Emlyn, Captain Jones-Parry of Tyllwyd gave some recent instances. 'There has never been a death vacancy that has not been immediately applied for by several people; more than that, when people have been lying dead, before they have been buried, applications have been made for the farm, and I may say that before they have been dead I have had applications. It is a scandalous fact.'

"Mr. J. Emlyn Jones, discussing the land hunger in the district of Tregaron, in North Cardiganshire, said that 'the present conditions affect the character of the farmers as well as their circumstances. There is a tendency in them to be hypocrites at the present time. They are afraid, and so they pretend to be what they are not. There is a tendency that way, and they betray each other by bidding against each other for farms, and so on.'

"According to Mr. Llewelyn Williams 'this keen competition for land has not only had the effect of lowering the character and destroying the manliness and independence of spirit of the farmers, and of causing them to plot and scheme one against the other in order to win the landlord's favour, but it has, in too many instances, made landlords arrogant, unsympathetic, and harsh in their dealings.'

There were two or three witnesses, it is true, who did not take so serious a view of this competition. The Proprietor of the *Aberystwyth Observer*, while admitting its keenness, doubted "whether it is keener among farmers than amongst tradespeople," and a similar doubt was also expressed by Mr. W. S. Miller, a large Breconshire farmer.

Major Price Lewes, a Cardiganshire landowner, though admitting that "there may be a good many competitors for a farm when it comes up," denied entirely, so far as his experience went, that "one man goes over another's back to bid a higher price." The Commissioners, however, observe that, "taking Wales as a whole, it seems to us a most exceptional course for one applicant to wait until the landlord is 'clear of the other man.'"

Effect of the competition on rent.

But what is the effect of this competition on rent? "The majority of witnesses agreed in exonerating landowners, as a class, from blame in connection with this competition"—a view which the Commissioners, with certain reservations, also endorse in the following terms (p. 323):—"We may certainly acquit most of the larger landowners of consciously taking any unfair advantage of this excessive competition for land with the view of doing what has been here described as 'screwing up the rents.' But landowning, like every other industry, is necessarily subject to and influenced by the economic law of supply and demand, even though it be further admitted that the estates of the larger hereditary landowners are not wholly managed on purely commercial lines.

"But barely one-third of the whole area of Wales can be accounted for as belonging to the great landowners, by which we mean those who own estates of at least 3,000 acres each, so that it remains for us to ask what effect this competition must produce on the smaller owners. Competition is, of course, greatest and keenest for farms of a small size: it is least for the largest holdings. Everyone thinks he can take a small farm, whether he has capital or not; there are labourers who are ascending the social ladder, ready to compete for such farms with farmers whose course is financially a downward one. There are those who follow other occupations than that of agriculture, and others who have no occupation at all but are possessed of independent means, there is the young farmer's son who is commencing life, and the more elderly farmer who wishes to lessen his burden of cares—all these and many more look upon the small, or at least the moderate-sized farm as just the kind of holding to suit them."

Especially of small holdings.

Is it, then, the competition or is it the actual value that is the chief and governing factor in determining the rent at which a holding is let? The best test is said to be furnished by comparing the rents of the larger and smaller tenantry in the same districts, making due allowance for other factors that would necessarily influence the rent. "Having accord-

ingly weighed the evidence on this point to the best of our ability, we are impelled to the conclusion that competition is *one* of the reasons for the proportionately higher rent of small holdings, but it is not, on the other hand, the sole reason. The other chief cause is that the expenditure on buildings on a small farm is heavier per acre than on a larger holding, both in the case of original erection and of subsequent repair. The cost of management is also a trifle higher, as it is usually easier to deal with one large tenant than with half-a-dozen small ones. Still we are inclined to think that, be it right or wrong, the preponderance of opinion was that competition was a more important factor than the cost of buildings in deciding the higher rentals of the smaller tenantry."

Land hunger, an old phenomenon,

In concluding, it is observed (p. 325) that the foregoing phenomena—"land hunger, excessive competition, lack of capital and the like—are not the result of any very modern conditions, though economic changes and other circumstances may have tended to aggravate and intensify their injurious effects. There can, however, be no doubt that this land hunger with its attendant evils has been, probably in varying degrees of prominence, a salient characteristic of rural life in Wales for at least a century past."

It was mentioned in 1794 as "an old error in this country"—the reference being more particularly to Cardiganshire; while the Rev. Walter Davies dwells repeatedly on the inadequate capital of applicants for farms in the first decade of this century, showing that "then, as now, men applied for farms quite regardless of the consideration whether they had sufficient means to work them properly, and they not only applied, but they were also accepted as tenants."

Which probably culminated in the forties.

It is, however, in the account which we have of the state of South Wales at the time of the Rebecca Riots in 1843, that we discover to what alarming extremes this land hunger had driven the tenantry. The *Times* correspondent of the period repeatedly refers to the "competition for land at any price," and describes how the tenants would frequently go behind each other's back to the landlord or agent and say, "I will give you £10 a year more for such a farm than the present tenant" (pp. 325-7).

And was aggravated by the substitution of yearly for leasehold tenancies.

It may be here pointed out though it is not directly mentioned in the Report—that the substitution of yearly for leasehold tenancies which had been carried out throughout Wales in the generation or two prior to 1843 had undoubtedly aggravated competition by making it possible

for tenants thus to go "behind each other's back to the landlord." When a farm was held under a lease for lives or for a term, there was no room for this underhanded form of competition, except, perhaps, near the end of the term. With his lease, the sitting tenant in fact enjoyed an immunity from having his occupation undermined, but it would appear as if immediately leases were abandoned, the hunger and passion for land were also let loose, and no man was thereafter safe from the treachery of his neighbours.

It is no wonder, therefore, that the Commissioners regard "a right appreciation of the nature and extent of this so-called land hunger as the main clue for unravelling all the more serious difficulties of the land problem in Wales. It largely accounts for the sense of insecurity which prevails among the tenantry, while it is also obvious that unless checked or regulated by some moral force or legislative enactment, its direct economic result would be a system of competition rents." Its effect upon rent is, however, a question which will be dealt with more at length in a later chapter.

4.—THE SIZE OF HOLDINGS: A FACTOR IN DETERMINING THE EXTENT OF COMPETITION.

Extent of competition largely dependent on size of holdings.

There is one other question closely connected with that of "land hunger." "We have just seen that the size of farms has an important bearing on the extent of the competition which, owing to a general dearth of capital and for other reasons, is keenest for holdings of comparatively small rental and acreage, and we have also seen that with most landowners, except possibly a few of the largest, this competition is consciously or unconsciously a factor in fixing rent. It is therefore, necessary in this connection to ascertain as far as possible the general or average size of holdings in Wales."

This can best be done by means of 2 tables giving a complete classification into groups of the total number of agricultural holdings in each county throughout Wales, and also in each part of Great Britain, in 1885.

Wales and England compared as to size of holdings.

These tables show that the holdings in Wales are considerably smaller than in England or Scotland. The disparity between the mean size of holdings in Wales and in other parts of the kingdom would, moreover, be much greater than is represented in these tables but for the larger number of small takings under 5 acres (such as market gardens) in England, and to a lesser degree in Scotland also. In other

Classified Table showing the Size of Welsh Holdings in 1885.

Counties.	50 Acres and under.		50—100 Acres.		100—300 Acres.		300—500 Acres.		500—1,000 Acres.		Above 1,000 Acres.		Total.		Average Size of Holdings.		
	No.	Acreage	No.	Acreage.	No.	Acreage.	No.	Acreage.	No.	Acreage	No.	Acreage	No.	Acreage.	1875.	1885.	1894
Anglesey	2,944	42,976	432	31,652	389	65,332	17	6,438	3	1,608	—	—	3,785	148,006	41	39	38
Brecon	1,912	34,480	799	59,375	634	98,718	22	7,865	2	1,456	2	2,605	3,371	204,492	59	61	63
Cardigan	4,412	64,076	1,054	78,442	863	132,987	15	5,354	1	623	—	—	6,345	281,482	48	44	43
Carmarthen	5,163	93,425	1,803	133,525	1,335	200,971	29	10,780	4	2,452	—	—	8,337	441,153	51	53	53
Carnarvon	4,756	67,298	611	43,791	396	63,374	25	9,291	5	3,548	—	—	5,793	187,302	34	32	31
Denbigh	4,173	65,323	993	72,100	719	112,724	41	15,223	7	4,074	—	—	5,933	269,544	45	45	47
Flint	3,194	35,946	406	29,367	322	50,158	26	9,685	3	1,966	—	1,233	3,952	128,355	30	32	34
Glamorgan	4,195	65,420	1,061	76,689	742	114,251	43	15,730	10	6,384	1	1,250	6,052	279,724	51	46	48
Merioneth	2,192	42,752	638	44,879	355	57,032	18	6,651	8	4,765	1	1,032	3,212	157,111	47	49	50
Montgomery	3,611	57,880	950	60,774	717	110,482	36	13,211	7	4,420	1	1,310	5,322	257,077	47	49	50
Pembroke	4,157	65,803	871	63,850	876	144,208	76	27,390	7	4,448	1	1,103	5,988	306,802	49	51	53
Radnor	1,133	20,334	423	32,227	496	83,144	41	15,905	6	4,049	1	1,840	2,100	157,499	69	75	77
WALES	41,842	655,713	10,044	735.671	7,844	1,233,374	389	143,623	63	39,793	8	10,373	60,190	2,818,547	47	46	47
Monmouthshire ..	3,752	50,534	728	53,258	714	116,664	43	15,763	10	6,197	1	1,420	5,248	243,836	49	46	50
WALES and MONMOUTHSHIRE	45,594	706,247	10,772	788,929	8,558	1,350,038	432	159,386	73	45,990	9	11,793	65,438	3,062,383	47	47	47

Table showing Absolute and Relative Number in each Class of Agricultural Holdings in Great Britain, June, 1885.

Classification of Holdings.	England.		Wales.		Scotland.		Great Britain.	
	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.
Of ¼ of an acre but under 1 acre ...	21,069	5·08	1,083	1·80	1,360	1·69	23,512	4·23
„ 1 acre and not exceeding 5 acres ...	103,229	24·88	11,044	18·35	21,463	26·59	135,736	24·42
Above 5 „ „ 20 „ ...	109,285	26·34	17,389	28·89	22,132	27·42	148,806	26·77
„ 20 „ „ 50 „ ...	61,146	14·74	12,326	20·48	10,677	13·23	84,149	15·14
„ 50 „ „ 100 „ ...	44,893	10·82	10,044	16·69	9,778	12·11	64,715	11·64
„ 100 „ „ 200 „ ...	59,180	14·26	7,844	13·03	12,549	15·55	79,573	14·31
„ 300 „ „ 500 „ ...	11,452	2·76	389	0·65	2,034	2·52	13.875	2·50
„ 500 „ „ 1,000 „ ..	4,131	0·99	63	0·10	632	0·78	4,826	0·87
„ 1,000 acres	565	0·13	8	0·01	90	0·11	663	0·12
Total	414,950	100·00	60,190	100·00	80,715	100·00	555,855	100·00

words (p. 344), "the very lowest class of agricultural holdings, namely, those under one acre, are, in proportion to the total number, about three times more numerous in England than in Wales; the next class of holdings (namely, those between one and five acres inclusive) are also more numerous in the former country, though the difference in the numbers is not so great as in the previous class.

On the other hand, small holdings above the five-acre limit and up even to 100 acres are, in proportion, considerably more numerous in Wales than in England, while of the total cultivated area of the two countries the proportional acreage of agricultural holdings of this class in Wales is double what it is in England.

Large holdings (above 300 acres of cultivated land) are, in proportion, about five times more numerous in England than in Wales, and their proportional acreage is about four times what it is in Wales.

The great preponderance in England of the lowest class of agricultural holdings (which are practically not distinguishable from allotments except that they are not detached from cottages), and the equally marked preponderance in Wales of all other kinds of small holdings is chiefly due to the different physical characteristics of the respective countries: Wales, being mainly a pastoral and grazing country, is unsuitable for the arable cultivation of small allotments on a large scale, but for holdings beyond the minimum (say three acres) required for grazing a cow it is well adapted, while, broadly speaking, the contrary is the case in England, especially its corn-growing counties.

Though small holdings are, however, fairly numerous in most parts, still the demand for them is greater than the supply, and everywhere they are let far more easily than large farms are.

We need scarcely add (the Commissioners observe) that whatever tends to limit or diminish the supply of separate holdings is always regarded with considerable jealousy on the part of the agricultural population."

Consolidation of farms utterly repugnant to Welsh sentiment.

The result, in the words of the Commissioners, (p. 345) is that —"there is perhaps no policy connected with the whole management of Welsh estates in the past that was so utterly antagonistic to the general sentiment and traditions of the agricultural population at large as the consolidation of farms. Mr. Thomas Ellis, M.P., gave expression to Welsh public opinion on this question, when, in his evidence before us, he characterised this policy as one diametrically 'contravening the whole spirit of the old

Celtic tenures of Wales. Whether that be so or not, or whether a system of small farms is best from the economic standpoint or otherwise, we had ample evidence to show that the great mass of the tenants regarded consolidation as very injurious to the best interests of the country.

Long as we found to be the memories of the tenantry in keeping alive recollections and traditions of evictions, and other acts which had been regarded as grievances, still it was a subject of no little surprise for us to find that in dealing with the question of consolidations the witnesses that came before us penetrated considerably further back than they were able to do with reference to any other matter. The existence of concrete material objects in the form of the ruined dwellings or even the unrased sites of what were once separate and independent holdings would keep alive the tradition as to their existence far better than the mere verbal account, or even the written record of other events, however great an impression they might have created at the time of their occurrence. But the care and labour that had obviously been bestowed— often by comparatively uneducated witnesses—upon the preparation of lists recording the names of each holding that had disappeared as the result of consolidation, afforded us very striking and convincing proof of the general hostility felt against such a policy. To join two small farms into one may appear as a very harmless act in itself, but that is not the light in which it is regarded by the tenantry and the agricultural population at large. Actually or potentially, they are all candidates for farms, so that a reduction in the number of lettable holdings diminishes the supply of such holdings, and lessens the chance of success for the individual applicant.

But for the existence in Wales of the universal land hunger, the only point of view from which we need, perhaps, have considered consolidation would have been that of its effect on production. It would have been scarcely necessary to consider its effect upon rent, inasmuch as landowners could be assumed to be, in the long run, sufficiently alive to their own interests, and sufficiently amenable to the influence of economic laws. But as we have already seen that land hunger is at the very root of the land problem in Wales, and as the consolidation of farms has naturally aggravated the consequences of that hunger, it therefore seems to be a subject that ought by no means to be lightly dismissed."

About a dozen pages (345-357) are then devoted to a review of the evidence on this point. but it is scarcely necessary to reproduce any of it here. Briefly put, it is shown that a

policy of consolidation was very universally carried out in connection with the chief estates down to about 20 or 25 years ago, and its adoption was chiefly due to the opinion then prevailing among most agricultural experts that large farms were absolutely essential to the advancement of agriculture, but that "within the last 20 years, at all events, the number of small farms in Wales has, instead of decreasing, showed a marked upward tendency. Even the economical view has also been largely modified, as many now base their hopes for the future of our agriculture, not upon a system of large farms, but upon the more thorough cultivation of small holdings—on intensity rather than extensity in agriculture."

In conclusion the Commissioners express the opinion that "in general, there exists in Wales no necessity for consolidating farms in order to raise them to the size required for the maintenance of a single family, as is so often the case in the congested districts of Ireland."

Welsh and Crofter sentiment compared.

What the great mass of evidence here summarised, however, seems to show, is that there exists among the cultivators of the soil in Wales, as among the crofters of Scotland, a traditional belief that those who have been brought up on the land have a kind of moral right to make their livelihood therefrom throughout life, or, in the words of Sheriff Brand as to the crofters, that they have "an inherited inalienable title to security of tenure in their possession, while rent and service are duly rendered." The result is that consolidation of farms is regarded by the Welsh tenants as a distinct breach of the moral order.

"There is a curse, a curse hanging over (such) people in the Holy Book," said one witness: "'Woe to him who annexes field to field.'" "When I see people who do not require more than one (farm)—who have no family, nor children growing up—taking two or three and four holdings —which I now see in my district—when other people cannot get any,' said a Pembrokeshire witness, 'I say they are against the moral law, that is the moral law of 'Woe unto them that join land to land'; that is a thing that the moral law condemns," but he added ironically, "it is reckoned a glorious thing under this dispensation."*

It may be gathered from the preceding remarks that the policy of sub-dividing holdings appears to have been more in favour of recent years, though not much has yet been

* The quotation referred to by these witnesses is from Isaiah v., 8: "Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth."

effected in that direction, the cost of erecting buildings being regarded as a serious obstacle. There are certain exceptions however—chiefly in the quarry districts of North Wales, where several farms have been cut up by various owners as small holdings for quarrymen, *e.g.*, on the Penrhyn and Vaenol Estates, on the property of Mr. Roche, near Portmadoc, and also, to a lesser extent, in parts of Glamorganshire (pp. 340-4). "Where there are large farms in the immediate neighbourhood of 'works' or industrial centres, their sub-division into small holdings for occupation by the employees of such 'works' might be an advantageous and remunerative policy. In other words, the system of small holdings now prevailing in the quarry districts might, perhaps, be profitably extended."

The practice of sub-letting small holdings resulting in exorbitant rents.

In very many rural districts where small holdings happen perhaps to be abundant enough, a somewhat reprehensible practice has arisen of letting them with the larger farms and allowing the tenant-in-chief, so to speak, to sublet to others generally, as it is observed, "at a much higher rental per acre than that which he himself pays for his own holding."

The Commissioners observe (p. 358) that they "received abundant proofs of the very manifold evils which result from the practice of permitting the tenant farmer to become a middleman with the power of retailing small plots of land, part of his holding, at greatly advanced prices, generally to persons who are not in a position to make the best bargain with him."

"Perhaps the most notorious instances that came under our notice were on the estate of Sir J. H. W. Drummond, of Edwinsford, whose brother, the agent for the estate, referred to the matter as follows:—

'Sub-letting by the tenants has been and is being carried out to a considerable and dangerous extent, cottages let with farms being converted into small holdings and being sub-let by the tenants at from 40 to 60 per cent. increased rent over and above what the landlord is receiving. The occupiers are frequently in addition bound to work for the tenant when required in the summer and are not employed in winter, and great injustice and rackrenting is the result.'"

Several other cases are also cited from different parts of Wales, and the Commissioners conclude by saying that "blameable as are the tenants who sub-let, their responsibility must be shared by the agents and owners who wink at the system, or, as one of their class said, take no notice of it. For ourselves we cannot condemn the practice too severely, and we trust that the publicity given to the more notorious instances brought to our notice will produce such a wholesome effect on public opinion as to render it impossible even for isolated cases of the kind to continue much

longer in existence, unless there be special circumstances justifying such an exception."

5.—*SUMMARY OF THE HISTORICAL RESULT.*

So far, we have dealt with the more general—rather than the specific—conditions of tenancy and occupation, and have endeavoured to follow the Commissioners' history of the origin and growth of the present system from the far distant past. It is seen that they have shown no tendency to minimise the extent to which the still lingering instincts and traditions of Welsh tenants have their roots in the past, and yet be important factors in modern economic problems. "Their existence is one of the present facts which have to be acknowledged," but beyond this the details of the remoter historical problems need not be investigated so far as this inquiry is concerned.

We may, therefore, pause here with the view of summing up the practical result of the historical survey of land tenures, which is so valuable a feature of the Report, and which has been briefly referred to in a preceding chapter. This, in short, will enable us to see, with greater clearness, to what extent present conditions are due to the historical causes, which have been touched upon from time to time.

The Commissioners state their conclusions, under this head, in the following terms (pp. 148-9):—

"Many causes have combined in producing and afterwards perpetuating what is the marked and peculiar feature of rural economy in Wales, viz., the prevalence of a large number of small separate farms of what may be described as the peasant and family type. So that on the one hand the year-to-year tenancy in Wales has not become generally associated, as in England, with the system of large farms of the more commercial type, nor, on the other hand, has it been associated, as in Ireland and the crofter districts of Scotland, with that excessive subdivision and subletting which leads to the congestion of a rural population upon holdings too small to maintain the occupiers. Had the system of renewable leases continued it might easily have led to the Irish system of throwing upon the tenant the obligation to make and maintain the buildings, and this in its turn might have introduced into Wales the complications of divided ownership.

The natural inherited instinct to live by the land, and the consequent competition for farms in Wales as in Ireland, furnished all the necessary factors for producing these results. But somehow or other the transition from tribal to modern forms of tenure in Wales has been accomplished without them.

No doubt the mountainous character of the country, the large areas of land under common grazing and the pastoral character of the farming have had something to do with it, but much also must be attributed to the hereditary instincts and traditions of both landlords and tenants, and to the customary relations which grew out of them.

The relation of landlord and tenant in Wales, gradually passing through the stage of leases for years or lives into a year-to-year tenancy has made possible the continuance of a useful control on the part of the landlord combined with a large measure of permanence in the tenure of the tenants, but it can hardly be doubted that the traditional element has had a great deal to do with the customary relations which have existed for generations on some estates.

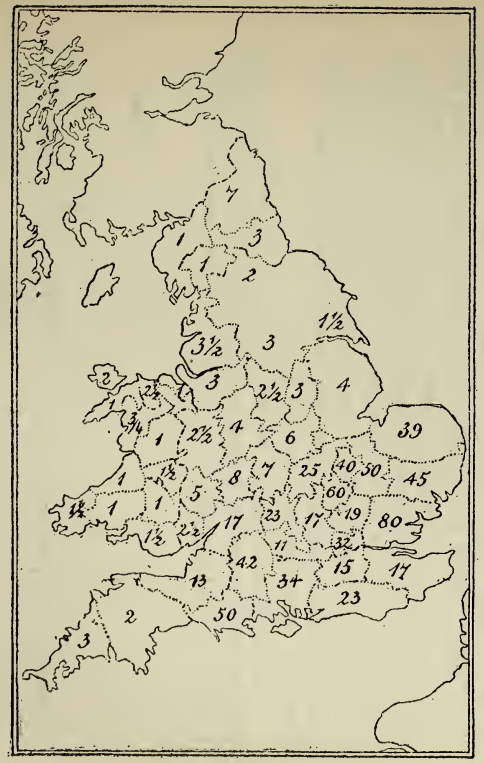
It is important before leaving this part of the subject that the full extent of some of the before-mentioned peculiar results of Welsh economic history should be adequately realised as far as possible in actual figures.

These, the census of 1861 enables us to trace with remarkable clearness.

First, the comparative smallness of the farms is shown very clearly by the statement of the number of labourers employed upon them. The annexed map No. 1 shows the number of labourers to each farmer and grazier in the various counties of England and Wales. It will be seen that if a line be drawn from the Wash to the Axe there would be, roughly, about 10 labourers to each farm in the Eastern Counties. If a line be drawn from the Humber to the Dee and from thence to the Severn, the average for Middle England would be about five to each farm ; whilst in Wales the number would not exceed $1\frac{1}{2}$ to 2 labourers per farm.

The other counties of England nearly approaching Wales in this respect are Cornwall, Lancashire, Westmoreland, Cumberland, Durham, the West and North Ridings of Yorkshire and Derbyshire, all of which resemble Wales more or less in being hilly and chiefly pasture.

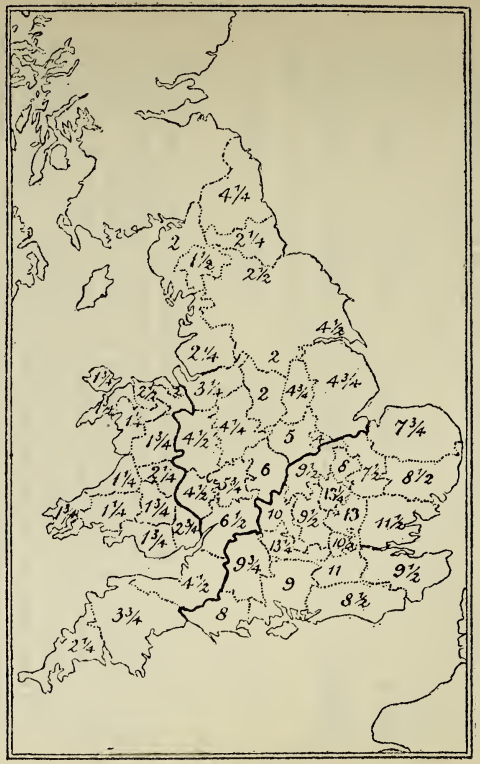
DIAGRAM No. 2.



CENSUS OF 1861

Average number of OUT-door agricultural labourers to each IN-door labourer.

DIAGRAM No. 1.



CENSUS OF 1861.

Average number of labourers to each "farmer and grazier."

Again, the number of farmers and graziers according to the Census of 1861 was as follows :—

———	North Wales.	South Wales.	England.
Males	14,660	18,102	194,193
Females...	2,202	4,862	15,714
Total	16,862	22,964	209,907

It will be seen that the proportion of women for the time being returned as occupying farms is roughly as one to five in Wales, while it is only as 1 to 12 in England. This is more than a slight indication that the continuance of farms on the death of the occupier as family holdings was more general in Wales than in other parts of the kingdom. But the family or household character of the Welsh farms is still more clearly shown by a comparison which the same census enables us to make between the indoor and outdoor character of the labour employed upon them.

Map No. 2 gives the proportion of outdoor labourers to indoor labourers according to the same census. The figures show that whilst in England the great mass of the farm labourers are outdoor labourers, it is quite the reverse in Wales and the analogous counties of Cumberland and Westmoreland. Whilst about one-half of the agricultural labourers in Wales, Cumberland and Westmoreland are indoor labourers, the proportion becomes less and less towards the east, till in Essex the proportion is only 1 to 80.

Adding the number of indoor labourers in Wales to the number of farmers and their sons, &c., the total of household indoor labour as compared with the outdoor was as follows :

———	Wales.	England.
Household and indoor	82,291	428,166
Outdoor	35,775	902,085

So that whilst in England not quite one-third of the labour was household and indoor labour, and more than two-thirds outdoor, in Wales less than one-third was outdoor, and more than two-thirds household and indoor.

These figures from the census of 1861 supplement the foregoing survey of historical causes by giving a practical view of their results. They throw inferentially a strong light upon the peculiar economic process by which the Welsh peasantry have passed from the primitive patriarchial conditions of the tribal system into their modern conditions under year-to-year tenancy."

CHAPTER V.

CONDITIONS AND INCIDENTS OF TENANCY.

Legal conditions of tenancy—customary, contractual, or statutory in their origin.

We have now to pass on from what we have described as general conditions of tenancy so that we may next consider those special conditions—in the stricter legal sense—which govern the occupation and cultivation of the land of Wales by year to year tenants.

Considered from the point of view of their source and origin, these conditions are, broadly speaking, of three kinds, viz. :—

1. Customary, or based upon "the custom of the country" (*see* Report pp. 477—488);

2. Contractual, or dependent upon agreement between landlord and tenant (pp. 488– 496);

3. Statutory, or imposed upon the parties by Acts of Parliament, chiefly the Agricultural Holdings Acts of 1875 and 1883 (p. 496 *et seq.*)

In addition to these conditions there will remain for consideration some few incidents of tenancy, such as the landlord's reservation of game, and his right of distress, and the tenant's liability to pay rates and taxes; and these we propose disposing of in the latter part of this chapter, leaving, however, for a separate chapter, our consideration of the most important incident of every tenancy—Rent.

1.—"CUSTOM OF THE COUNTRY," AND THE COMPENSATION OBTAINABLE UNDER IT.

"An agricultural custom"—What is it?

An "agricultural custom" differs from a legal custom in the strict sense, in that "it does not require the proof of immemorial usage to support it: like the custom of the Stock Exchange or of any other trade, it may be of modern origin, and may also change from time to time. All that is required to establish a custom is that a certain usage be proved to generally exist among the agriculturists of the neighbourhood where the farm is situate. If so, the landlord and tenant are bound by this usage, unless they make a bargain that expressly or impliedly excludes the general usage; if they do not, their relations are governed by this usage or custom, and the courts of law will enforce the customs."

The common law of England, which, since the time of Henry VIII., has also been the common law of Wales, is that whatsoever improvement is made to the soil, accrues entirely to the benefit of the owner of the soil.

The origin of "customs."

"With reference to crops, however, an early departure from the old common law doctrine was established in favour of tenants at will who were held to have a right, after the sudden termination of their tenancy, to enter on the premises and reap the corn they had sown, and generally to harvest their crops, which were known at law as emblements. In several respects the provisions of the ancient Welsh laws were more liberal than the English laws by which they were superseded. For example, according to the Gwentian code, any person who, with the permission of the owner, had reclaimed land by clearing a wood, or had carried and laid dung on a field, or had folded his cattle on another's land, was allowed the enjoyment of the same for periods of five, three, and two years respectively, before the owner could resume possession of it.* Ordinary tillage also gave a right of enjoyment for two years to the occupier. Whether these provisions may have been the germ from which the custom of Glamorgan was subsequently developed, it is difficult to say, but it is noticeable that these rules were formulated with more precision in the code which applied to the counties of Glamorgan and Monmouth than in the Venedotian code of North Wales, or the Demetian code of South-west Wales. . . .

It was not, however, until the earlier half of the present century that it first became customary, in certain parts of England, to pay compensation to tenants for their improvements, but this custom was of a very partial nature, and so far as Wales was concerned appears to have been recognised only in one or two districts, while the greater part of the country could be said to be practically without any custom at all, except as to the date of entry and a few minor matters of a similar kind.

Great variety as to dates of entry and allowances to out-going tenants.

Many of the differences in "custom" are due to the difference in the dates for the commencement of tenancies in various districts—as everything almost depends whether a tenancy commences at Michaelmas when the outgoing tenants' crops have all been harvested, or on the 1st of May before the harvests are commenced.

The great variety which exists in this respect can perhaps be most easily appreciated, if we give a calendar, so

* *Ancient Laws and Institutes of Wales*, ed. Owen, i. p. 767; compare also p. 181.

to speak, of the various dates, specifying the districts in which each prevails.

One obvious result of this great variety in the rules of local "customs" is that it greatly increases the difficulties in the way of a free and unfettered migration on the part of farmers from one part of the country to another, and especially from Wales to England—a point which has already been mentioned in dealing with Welsh emigration.

Candlemas (2nd February) is the customary date for the commencement of the tenancy in the following parts of North Wales: the parishes of Llanefydd, Nantglyn, Llansannan, and the greater part of Llanfair Talhaiarn in West Denbighshire, throughout the Hundreds of Bromfield and Yale in East Denbigh, as well as the Hundred of Maelor or the detached portion of Flintshire. The custom as to the allowances in the three hundreds just mentioned is that "the out-going tenant is paid the invoice cost of all clover and grass seeds sown in the last year of the tenancy, but some landlords in their agreements provide an allowance of 2s. per acre for labour of sowing. The tenant also takes one half-share of an away-going crop of wheat if sown after clover seeds or fallow crop, and two-thirds if after a bare fallow. Manure is always left without any compensation at the expiration of the tenancy, but no produce unless (as is often the case) it is stipulated in the agreements; but according to another witness, the custom is or was that all produce is left at a consuming price. The custom does not provide any compensation for the unexhausted value of purchased manures, but on the Gredington, Chirk, and possibly other estates in the border district adjoining Shropshire, the scale of allowances fixed by the Shropshire Chamber of Agriculture has been adopted, while in the district bordering on Cheshire the schedule of the Cheshire Chamber of Agriculture is incorporated in agreements."

Candlemas takings also prevail in South Wales—in the lower part of Radnorshire, namely, the district on the Herefordshire side in the direction of Hay, and possibly also in that part of Brecknockshire; in Central, South, and East Glamorganshire (that is wherever the "Custom of Glamorgan" prevails) and in the greater part of Monmouthshire. The allowances to outgoing tenants, so far as the counties of Glamorgan and Monmouthshire, will be explained more in detail presently.

Lady Day (or the 25th of March) is the customary date of entry in the whole of Eifionydd and in the upper portion of the district in East Carnarvonshire and West Denbighshire drained by the river Conway (*e.g.* on the estates of Lord

Penrhyn and Col. Wynne Finch), throughout the whole of Merionethshire and Montgomeryshire, and across the borders of these two counties on the N.E., so as to include most of that portion of Denbighshire lying east of the river Dee, particularly the Ceiriog valley.

Also in South Wales—in the greater part of Radnorshire (*e.g.* the districts of Rhayader, Disserth, Knighton and Builth), the northern part of Breconshire (as on the Llwynmadoc estate), in the whole of West Glamorgan excepting Gower.

In the case of Lady Day takings the outgoing tenant retains the use of the dwelling-house and out-buildings, and the field next thereto, or some other field selected by him, until the 1st of May (or in some parts the 12th or old May Day). The incoming tenant generally makes some arrangement so as to come on the land to commence cultivation from about the beginning of February.

"As to allowances, &c., it is usual for the outgoing tenant to have his interest in the growing crops of wheat, viz., two-thirds, and be allowed for clover or grass seeds sown the preceding year if not grazed. This latter allowance is only for the cost price of the seeds, and does not include anything for the labour of sowing and ploughing. As to the wheat if it be not sown in the autumn, it is believed that the old tenant has no claim to the crop.

According to the custom the tenant has, unless restrained by agreement, the right to sell all produce, such as unconsumed hay and straw, but if he himself on entering the holding bought hay and straw at a consuming price (*i.e.* two-thirds of their market value), he has to leave them on the farm to the incoming tenant on the same condition.

There is no winter tillage to pay for as the incoming tenant has early access to the farm to commence his spring cultivation."

Michaelmas Day (29th September), or *Old Michaelmas Day* (11th October). In North Wales:—Lleyn, or the Western peninsula of Carnarvonshire, and the immediate neighbourhood of Rhyl, in the Vale of Clwyd; and in South Wales:—The counties of Pembroke, Cardigan, and Carmarthen, and the district of Gower (with the exception of Miss Talbot's estate in Glamorganshire).

In all the preceding districts, the incoming tenant takes possession of the whole of the holding at Michaelmas, and there is no over-lapping, but in the districts of Crickhowell, and Talgarth in Breconshire, the outgoing tenant grazes the land to the 30th November, and occupies the house and buildings (with boosy pasture) for the purpose of consuming his crop, up to the 1st of the following May.

If the outgoing tenant removes to another farm he may take the crops with him, but if he does not, the usual custom is for him to sell, generally by public auction (or, less frequently, to the incoming tenant at a valuation) all his crops such as hay, corn, straw, &c. If there are any roots such as turnips they are also sold, and it is customary to allow them to mature on the land before they are taken away after being sold by auction. The manure, if stacked, is also sold in the same way. The incoming tenant buys such things as he thinks it would be to his advantage to buy, and sometimes endeavours to do so by valuation previous to the sale, especially so in the case of the manure.

In Pembrokeshire an outgoing tenant is allowed for growing clover and for seeds sown with barley in the preceding spring, the value of the seed and labour being paid him, or in some districts he receives a lump sum of 10s. per acre, and he is also given an allowance for summer fallows, if there be any, which is rare of recent years. Generally he is also paid one-half the value of lime applied during the preceding year, but as a rule tenants abstain from liming in the last year. In Gower a proportion of the cost of artificial manure and cake consumed is also paid for.

The *12th or 13th November* is the customary date in the whole of Anglesey, and also in Arvon or the low-lying Menai-side district of Carnarvonshire. The custom of this district will be explained later.

St. Andrew's Day (30th of November). In that portion of Flintshire West of Mold (though in some exceptional cases the tenancy appears to date from Michaelmas), on the upper slopes of the Hiraethog range (*e.g.*, on Lord Bagot's estate), and in the whole of the Vale of Clwyd, except the immediate neighbourhood of Rhyl. The old custom in this district was for the outgoing tenant to sell all his crops, and he was unable to claim anything for improvements; but some allowances for tillage, &c., have of recent years been acknowledged, and a full account of them, as stated by a Vale of Clwyd valuer, is given in the Report.

Christmas (25th December). The only county where there are any Christmas takings is Monmouthshire, in which their number is not, however, large.

The customs of Anglesey, Glamorgan, and Monmouthshire deserve separate treatment.

The custom of Anglesey.

As to Anglesey, it is observed, "that freedom of cultivation and the free sale of all produce appears to be the *custom*, but the exercise of those rights is now generally restricted or prohibited by agreements. Beyond this there

is no established custom, though in practice the incoming and outgoing tenants generally sign an agreement appointing valuers, &c., to value seeds, manure, hay, straw, and green crops, but there is no payment in respect of tillages and cultivation, of which there is little or none to claim for as tenancy terminates in November and as summer fallowing has been largely given up.

"Writers on customs* refer to an attempt to establish a custom of tenant-right in Anglesey. This has been done by the tenants erecting houses and buildings upon their lands at their own expense, and claiming in consequence either an equitable right for themselves or successors to stay upon the farm, or compensation in respect of their improvements.' The agent for the Bodorgan Estate, in his evidence before us (Qu. 19,428) stated that 'the tenants have got into a bad habit of doing improvements without informing the landowners,' and Lord Stanley of Alderley also stated (Vol. II., p. 72) 'if these tenants are allowed to make improvements, as they call them, without any check, they will be overbuilding all over the place.' A third witness also stated (Qu. 20,006) that, 'generally speaking, the tenants used to make all improvements at their own expense; when buildings were necessary the landlord sometimes (not always) allowed timber, slates, and lime. Fences, gates, and posts were invariably made by the tenants.'"

A natural consequence of the tenant-right claimed in respect of these improvement was an attempt on the part of outgoing tenants to dispose of the goodwill of their holdings, a practice which some landowners appear to have sanctioned.†

With the view of suppressing this custom and the accompanying assertion of a tenant-right, it has become the practice in almost all agreements to exclude the custom either by prohibiting the tenant from erecting new buildings without the landlord's sanction, or by limiting the period of exhaustion, and, consequently, the amount of compensation claimable in respect of the improvements. Thus on the Bodorgan Estate, where all the buildings, it is said, are now erected by the landlord, the tenants still doing the haulage, the former arrangement (which was itself a modification of the custom) was that the landlord provided the materials, but the tenants paid the masons and the joiners for the building and did all the haulage, and 'it was always more or less a custom on the estate to give them (the tenants) as good as a 21 years' lease,' at the end of which time it was considered that the value of their contribution towards the improvement was exhausted. On some other estates the period of exhaustion appears to have been reduced to 14 years, and on at least one estate to 7 years.

As to the low-lying Menai-side district of Carnarvonshire, it is said that in the parish of Llanddeiniolen, on the Vaynol Estate, there was formerly recognised a tenant-right of even a more distinct nature than that which it was attempted to set up in Anglesey. It appears that in the early part of this century a large number of working men, who were for the most part engaged in Mr. Assheton Smith's quarries, reclaimed land which was previously unenclosed, and built homesteads thereon entirely at their own expense. 'In this way,' according to Mr. Assheton Smith's biographer, nearly 200 acres of land are now under cultivation which formerly were covered with furze and heather. The occupiers are allowed to sell their estate to their fellow-labourers,' and so to receive large sums equivalent to the value of their improvement in the shape of goodwill from the incoming tenants.

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* Dixon's "Law of the Farm," 5th Edition, p. 650; *see also* Willis Bund's "Agricultural Holdings Acts," p. 130.

† *See* Statement of Mr. Roberts, of Trefarthen, quoted in Vol. I., p. 803.

This was recognised on the estate until about 1869, when it was put an end to, by having all the tenants placed for the first time under written agreements by which permanent improvements in the nature of buildings are taken to be exhausted at the end of 30 years, and works of reclamation and the making of new roads and fences at the end of 20 years. The former custom is still further excluded by means of a clause prohibiting the tenants 'to erect any cottages or other dwellings, nor convert any of the buildings into a dwelling-house, without leave in writing of the lessor or the estate agent.' The prevalence of this clause in other estate agreements in Anglesey and Carnarvonshire seems to indicate that formerly it must have been a general practice on the part of the tenantry in these counties to erect buildings at their own expense and without consulting the owner.

Similarly on the Penrhyn Estates, attempts were said to be constantly made by tenants to dispose of their goodwill in their holdings, 'especially when rents are low.' It is usually attempted by introducing a tenant with whom an agreement has been 'made to take the stock at a sum above its value;' but no right of the kind is recognised by the estate. Mr. Darbishire spoke of this sale of the goodwill as a common practice and a matter of general notoriety on the Glynllivon Estate.

Beyond this former tenant-right, which existed, perhaps, in its most definite shape in Llanddeiniolen, there does not appear to be any custom in this part of Carnarvonshire (which is generally known as Arfon) providing allowances to outgoing tenants in respect of growing crops, tillage, manure, or improvements, matters which are therefore governed entirely by agreements on the different estates to the exclusion of any custom that may have existed."

The custom of Glamorgan.

"The only district in Wales where there is, however, at the present day, a definite, well-ascertained custom, which entitles a tenant to compensation for unexhausted improvements done by him on his holding, is in Central and East Glamorganshire, or that portion of the county lying between the River Avon (whose estuary is at Aberavon) on the west and the River Rumney, which forms the eastern boundary of Glamorganshire. The fact that the district where this custom exists roughly corresponds to the shire-fee or body of Glamorgan which was that portion of the country most completely settled by the Normans has suggested to some the view that the custom is perhaps of ancient origin, but on the other hand we have to bear in mind that no reference to the custom is found in the works of any writer prior at least to the middle of the present century, while similar customs in different parts of England (*e.g.*, the Lincolnshire custom) are known to be of comparatively modern growth. Moreover, it is only when agriculture has been considerably improved and advanced that many of the rules of the Glamorgan custom could possibly have come into existence, and this especially applies to the principles of paying compensation after cultivating turnips and for the making of drains. The probability, therefore, is that at most the custom dates no further back than the opening years of the present century."

Owing to its being almost the only well-established agricultural custom of a comprehensive nature in Wales, and owing also to the fact that its operation results in a very general satisfaction throughout the district where it applies, it seems desirable that the account given of it in the Report (p. 483) should be reproduced without any abbreviation. Its main features are stated to be the following:—

"The yearly tenancy begins and ends on the 2nd of February, and is subject to six months' notice on either side, to be given on the 2nd day of August. There is reserved for the outgoing tenant the use of the farm-house and a pasture field, the nearest to the house, till the first of May following. Before the expiration of the tenancy of the outgoing tenant a valuation of the unexhausted improvements takes place. Although the custom of the district makes the landlord technically responsible for the compensation due to the outgoing tenant, the arrangement is, in practice, always with the incoming tenant, who really pays the compensation due, and between whom and the outgoing tenant the valuation is made. The outgoing and the incoming tenant sign a document appointing two valuers —one to represent each of them—and they give them power, in the event of their being unable to agree, to appoint an umpire, whose decision is final. If the incoming tenant (or the landlord) refuses or neglects to appoint a valuer, the valuer of the outgoing tenant may fix the amount of compensation for which the landlord can be sued in the county court. If the sum awarded by the valuers or by the umpire be not paid, the outgoing tenant can sue his landlord for the amount.

The valuers are limited to such evidence as is admissible in a court of law, though it is quite competent for them to call and consider any evidence that the outgoing tenant may be able to produce as to money expended and labour bestowed upon his holding; but they are guided mainly and in many cases entirely by ocular proof and personal inspection of the condition of the land and of the value of the improvements to the incoming tenant.

The amount of compensation ordinarily payable upon a well-cultivated farm of mixed arable and pasture is from one to two years' rental. In exceptional cases it may amount to as much as three years' rental with a heavier labour bill. It was naturally less in former years, varying (it was stated some ten years ago) from 20s. to 60s. per acre according to the state of cultivation and cleanliness of the farms. The following are the principles on which the compensation is assessed:—

In the case of turnip land, allowance is made for the manures and tillages: 'If you consume all the roots, you are allowed the full tillages and the full manure, and in some districts if you consume two-thirds of the crop (provided it be a fair crop) you get just the same amount for tillages and manure, perhaps 5*l.* or 6*l.* per acre.'

A quantity not exceeding one-third is allowed to be taken off the field for consumption in the yards. The exact price to be paid is arrived at by estimating the weight of the turnip crop, the cleanliness of the land, and taking evidence as to the quantity of corn and cake consumed therewith, by means of which the manurial value left in the ground is increased. If the turnips or swedes are sold off the land, the price per acre allowed to the outgoing tenant would be from £2 to £3 according to the condition of the land.

'The next year, after taking a crop of corn out, you are allowed a moiety of that. If you take what is called a legume crop afterwards, there is something allowed afterwards, perhaps a moiety, but if you take two crops of clover and one crop of corn there is no claim.'

Another authority has stated the latter rule thus: In the case of land in seeds following one crop of corn after swedes or turnips, the price paid as compensation for the condition of the land would be half the

original payments (that is to say, £2 to £3 if the turnips are continued on the land, and £1 to £1 10s. if carried off) plus the price for seeds sown and the labour of sowing and harrowing and rolling the same.

For summer fallow the incoming tenant has to pay twelve months' rent, rates, and taxes, in addition to the labour of ploughing, not exceeding three times, according to Mr. Daniel Owen, but four ploughings are allowed according to Mr. G. Thomas; dragging not exceeding three times, rolling twice, and harrowing and chain harrowing. If the fallow be sown in wheat, the cost of seed and sowing to be paid in addition. As to fallow after seeds, if ploughed in August, the incoming tenant must pay six months' rent, rates, and taxes, and also for ploughing, dragging, rolling, harrowing, &c., as in the case of summer fallow.

When lime is used on arable land the full value is paid by the incoming tenant the first year, and one-half the value the second year. When two crops of corn have been grown after the application of lime, the claim for compensation ceases, but in some cases where only one crop of corn has been grown, followed by a crop of seeds, one-third is allowed for the third year. When lime is applied to grass land, a decreasing proportion of the value is allowed up to the end of the fifth year.

The value of farm land manure applied to grass land extends over five years, and when applied to arable land extends over three years. Full value is allowed for the first year, at from 2s. 6d. to 3s. 6d. per cartload, according to its quality and distance of hauling; and in the case of arable land, two-thirds of the value is allowed for the second year, and one-third for the third year, but if two straw crops which have been taken out of the manured field there is no compensation.

Rents, rates, and taxes are paid by the incoming tenant for stubbles from the time they were ploughed in the autumn to the 2nd of February; also for land in which young seeds are grown that have not been fed off after the corn is cut. If, however, they have been fed off up to the 1st of October, three months' rent, rates, and taxes must be paid by the incoming tenant. For trimming hedges compensation is allowed for one year only, but for laying hedges, or for making ordinary hedges and ditches, the compensation runs over three years. In the hilly parts of the country, as in the neighbourhood of Pontypridd, where dry wall fences are built about five or six feet high of stones without mortar, the compensation extends over 14 years. Drainage, of which, however, very little is done, also extends over 14 years."

The custom of Monmouthshire.

Such then is the "custom of Glamorgan," which though greatly praised by all the witnesses who spoke of it, appears to be capable of improvement in a few respects. It is to be specially noticed that no compensation is allowed by it for the construction, enlargement, or repair of buildings, or for haulage towards such purposes, and a tenant cannot remove any machinery which he may have put up on his holding. Nor is there any allowance made for laying down permanent pasture.

The custom of Monmouthshire is less definite and far less comprehensive than that of Glamorgan. Its most conspicuous feature perhaps, is the outgoing tenants' right to a "land-share" of the off-growing crop of wheat, but the amount of this varies greatly under different circumstances, not only in different parts of the country but even on contiguous farms. The consequent uncertainty led to an attempt on the part of the farmers and landowners of the

parish of Mynyddislwyn to fix and codify the prevailing custom of their parish, and the principles which were said to have governed the valuation of the interest of outgoing tenants on several farms in the parish from 1854 to 1866 were formally adopted in 1867 as the "custom" of the parish.* While the general custom of the county provided no compensation whatsoever for unexhausted improvements, the custom of this extensive parish approximates somewhat to the custom of Glamorgan, which county it adjoins on the west. Compensation is provided on similar principles for manure and lime, and for mixtures of lime and earth applied to arable and grass lands, varying according to the number of crops taken subsequent to their application, and payment is also allowed in respect of ditches and fences. It was not, however, till after the passing of the Agricultural Holdings Act, 1883, that compensation for unexhausted improvements was pretty generally adopted as a custom throughout the county. A scale of compensation, drafted by Mr. R. Stratton, of Duffryn,† was approved by the Chamber of Agriculture for the county in February 1884, so that partly by its being incorporated in agreements, and partly by being followed by valuers, it may be said to be likely soon to become the legally valid and recognised "custom" for the county.

Custom as to haulage by tenants towards permanent improvements.

Under this title of "agricultural custom" are also included in the Report (pp. 486-8) certain points relating to the erection and repairs of buildings, and especially the question of haulage. We have already seen that under the leasehold system, formerly prevalent in Wales, "the burden of erecting and maintaining in repair all necessary buildings was cast upon the tenants." But with the substitution in the course of the present century of yearly for leasehold tenancies, "landowners gradually assumed the responsibility for the erection of all new buildings, and indeed for repairs also, though the tenants are even still legally bound by most of the existing agreements to keep the buildings in sufficient repair, for which purpose they are allowed timber in the rough and the necessary purchased materials. In re-building, as distinct from repairs, the practice appears to be for the landlord to supply all the material and pay for all the

* The "code" thus adopted was published in book form: *The Custom in Mynyddislwyn parish respecting unexhausted tillages*, &c. (Pontypool, 1867, 8vo), and is reproduced in Appendix to Vol. II. (pp. 955-6) of the evidence of the Commission.

† *See* Qu. 35,229-35,231. The scale is printed in the Appendix to Vol. II., p. 955.

skilled labour, while the tenant does all the haulage and supplies the unskilled labour.

Subject to a few trifling exceptions, which are always recognised as such, it may be laid down that the universal custom in Wales is for all the horse and cart haulage to be done by the tenants. The cost of conveying any purchased materials by rail or ship, whenever that happens, is on the other hand borne by the landlord."

It is moreover, observed that "during the continuance of the turnpike system, the tenants often paid the tolls at the gates through which they passed with their carts in doing the haulage, and the out-of-pocket expenses in this respect would frequently appear considerable in a country where money is so scarce as in Wales.

It is obvious that owing to the mountainous character of much of the surface of Wales, and also to the remoteness of some parts of it from railway communication, the burden of cartage is necessarily a very considerable item in the provision of new buildings.

Thus, Mr. Henry Roberts, an auctioneer of Portmadoc, referred to a case in that neighbourhood which well illustrates this point. A tenant had taken a farm called Erw Suran in 1883, 'it is an upland farm about 700 feet above the sea level. What he complains of is the haulage, the cartage of the materials for building. He went there in 1883; and in 1885 they built a house there, a new roof to a stable, a new house for chaff-cutting, a new roof for a cart-house, and in 1890 they built a new cart-house there; and all the carting is done by the tenant, which according to his estimate was fully £100. He has given notice to quit. . . . Because the rent is too high and he said he could not pay. Then he leaves all that haulage behind him. . . . And gets no compensation for it.'

Though it is thus the custom of the country for tenants to do the haulage, still the custom nowhere (not even in Glamorgan) provides for compensating tenants, provided they leave their holdings before the value of their work is exhausted."

Private arrangements have been occasionally made between outgoing and incoming tenants in respect of haulage, but whatever payment is actually made by the latter, appears to be not so much for the haulage specifically, as for the goodwill or general tenant right of the out-going party.

"In a few of the more equitably drafted agreements, provision is made for the payment of compensation for haulage done by outgoing tenants, but it is not too much to say that in the great majority of estate agreements, no payment of the kind is provided for."

But the haulage done by the tenant for permanent improvements executed on the holding by his landlord, is curiously enough not included in the schedule of the Agricul-

tural Holdings Act of 1883, as one of the items in respect of which compensation might be claimed.

"Under the circumstances"—the Commissioners observe "it is not surprising that we received a large number of complaints either of rents being raised immediately after the performance of such haulage, or of tenants not receiving compensation therefor in cases were their holdings have been sold or they themselves have quitted them soon after the completion of the buildings."

Some of these will be referred to later on, but the subject has been mentioned here as illustrating the results of the general custom.

Tenants sometimes supplying all unskilled labour and the partial board of skilled men required for buildings.

But in addition to the haulage—considerable as that in itself is, on many an upland or remotely situated farm,—it is further stated (p. 487) that "the tenants in some parts of the country do all the unskilled labour in connection with buildings, and also provide for the partial board of the skilled labourers, such as the masons and carpenters. This is especially the case in Cardiganshire, and we believe in parts of Carmarthenshire and North Pembrokeshire, but we have no evidence as to the existence of this custom beyond those limits.

A few extracts from the evidence will perhaps render the nature of this custom more clear.

A former tenant of the Gogerddan Estate in the parish of Pembryn in South Cardiganshire gave the following account of his contribution towards the erection of buildings on his holding:

'The total number of perches built are 654. Two loads, *at least*, of stones will go to each perch. Therefore I hauled 1,308 loads of stones When the barn and cow-sheds were built I had to carry water half a mile away to mix all the mortar, owing to drought. I hauled 10 loads of pebble stone from the beach, 11 miles away, for flooring stables; 10 loads of surface-stones for cow-sheds; 30 loads of flagstones (paving) from Kilgerran, a distance of nine miles; 12,000 slates, hauled from Aberporth and Llangranog, the former three miles away and the latter five miles; lime was hauled from Aberporth; all the timber was from Cardigan, a distance of nine miles; and the sand was a mile distant. I had to pay all the turnpike gates out of my own pocket. It took me and my men two weeks to open up the quarry.'

According to the custom of the district, he also provided a contribution of food (or "gwlyb") for the labourers paid by his landlord. "Gwlyb," we should explain, is the Welsh expression used for all "liquid" food, which in cases of this kind would probably mean broth, tea or coffee and milk, while the workmen would bring with them meat or cheese (which go by the generic name of *enllyn*) and bread to eat with it.

Several other instances of this kind were brought to our notice in the neighbourhood of Aberayron. The widow of a tenant on the Llanina Estate referred to the re-erection, about 1871, of the buildings on a holding occupied by her. She said—'The expense of pulling the old buildings down was incurred by my husband, and we lived in the old dwelling house, which was leaking fearfully, whilst the new buildings were being put up. He carried all the stones and the materials towards the new buildings, besides giving the masons their food as well as the carpenters, according to the old custom which was in vogue at this time. The only things which the workmen brought with them were their bread and meat (*enllyn*).'

Another witness at the same place gave the following account of his parents' experience in connection with the rebuilding on a holding called Blaenclettwr :—'All the buildings were in a pretty bad state, and in the year 1854 Captain Saunders (the owner) came down and offered to make arrangements with regard to putting up new buildings. It was arranged that they should be removed entirely from the place were they were then about 120 yards higher up the hill. The conditions were that my father was to haul everything, and to provide 'gwlyb' for the masons and carpenters, and then he was to be undisturbed in his holding whilst he lived for a rent of £60. The stones were about 3½ miles away, the timber and slates 7 miles. The work of building continued for three summers . . . but about three years after finishing the buildings he received a notice that he would have to pay £10 increase in the rent, or to leave.'

Dr. Garrod Thomas of Newport, in referring (Qu. 48,045) to his father's tenancy of a large holding near Aberayron, gave a similar account of the work done in connection with rebuilding on the farm, when his father "partly boarded" the masons and carpenters, and supplied all the unskilled labour in attending on the masons and so on.

In numerous other instances it was alleged that tenants had, at their own expense, made large structural alterations in or additions to their farm-buildings, or had even built entirely new buildings, without any agreement providing compensation for them.

Such work could not always be allowed to go unrecognised and without some compensation on the part of the more liberal landowners, and we therefore find that in Cardiganshire and West Carmarthenshire a custom had begun to grow up, similar to that which existed in Anglesey, according to which the tenant had a claim for some compensation for his buildings.* But this incipient custom never seems to have acquired the force of law in these districts, and it was probably excluded altogether when new agreements came to be made after the passing of the Agricultural Holdings Act of 1875."

* "The following are the statements of Mr. Willis Bund (a gentleman well acquainted with North Cardiganshire) in his work (published in 1883) on the Agricultural Holdings Act (pp. 133-135): 'A custom has arisen in 'Cardiganshire that the tenant should be paid a certain proportion for 'the buildings erected and the drainage done by him.' 'In West 'Carmarthenshire a custom has been growing up for buildings or drainage 'done by the tenant to be paid for, and also an allowance for liming;' while as to East Carmarthenshire he says that 'even if he (the outgoing 'tenant) has expended money on draining or farm buildings, &c., he is very rarely remunerated by his landlord.'

2.—AGREEMENTS.—CLAUSES REGULATING CULTIVATION.

Contractual conditions—complex and elaborate.

Vague and inadequate as is the custom of the country in many districts, especially by way of providing any compensation for improvements, it has, of recent years, been very largely excluded and superseded by special agreements between landlord and tenant. In some cases the best rules of the custom have been embodied in such agreements, while in others, provision has been made for circumstances which were not covered by the custom at all. But one chief aim of all formal agreements was to have the relation of landlord and tenant, in all possible emergencies, strictly defined; and the result of these endeavours is well described by the Commissioners (p. 488) when they say that—

"One striking feature of the majority of modern estate-agreements is the length and number, the elaborateness and complexity of their conditions as to cropping and cultivation generally, and as to the disposal of the produce raised on the demised holding. Agreements of this type simply bristle with a series of penal clauses, which the legal draughtsman's ingenuity has devised for the protection, it is supposed, of the interests of the landowner.

In fact, the covenants which the landlord enters into usually bear a very small proportion, both in length and number, to the tenant's covenants. In some cases, almost the only covenant on the part of the landlord is one for quiet enjoyment; in others, this is allowed to be implied, so that practically all the expressed covenants are in favour of the owner. This disproportion was exhibited to us in the form of an interesting object lesson by Mr. Thomas Halford, of Newtown, a gentleman who has had over 50 years' experience as a land agent in Mid-Wales. He produced to us printed copies of two agreements, in which the landlord's and tenant's clauses had been coloured pink and yellow respectively. In producing the first, he said: 'You see the only clause in favour of the tenant was that the landlord had to find materials for all principal repairs of buildings. Here is another one,' he added, in producing the second, 'which I have coloured in the same way, and there is about the same proportion. 77 to 1, 44 to 1.' Mr. Halford, further said that 'of late years some agents have made attempts to improve the agreements for the tenants, but they invariably adhere too closely to the line of old agreements, and generally end by little more than increasing the length of them.'"

Modern origin of restrictive covenants.

But the restrictive conditions referred to here are of comparatively modern origin, and it is observed that down to the very commencement of this century "there were practically no restrictions either on cropping or on the sale of produce in the case of most Welsh tenancies. Nor was there any need for such restrictions prior to the commencement of the Napoleonic war, which so greatly stimulated, and in fact necessitated, the growth of corn in this country, as the importation of all grain from the Continent became impossible."

But with "war prices," and even the opening up of markets in industrial centres during peace, farmers found it profitable to bring more and more land under the plough, while many of the ignorant and unscrupulous probably showed a tendency to exhaust the land by growing a long series of grain crops, without doing anything to restore fertility to the soil. It was under such circumstances as these, that landowners found it necessary, for the first time, to lay down conditions restricting the number of crops that should be consecutively taken from the land, or otherwise regulating the rotation of crops. Such restrictive conditions were, of course, primarily intended for the protection of the landlord's interests, but they were also regarded as counsels of perfection for the guidance of tenants, who had previously followed simply traditional rules in their methods of farming.

The substitution of yearly for leasehold tenancies, is a subject which has been already fully dealt with, but the Commissioners express an opinion—based on statements made in Davies's Agriculture of North Wales (published in 1810)—that "restrictive covenants were introduced for the first time into that part of Wales in connection with the substitution of 'leases from year to year' for the leases for lives and for terms of years. This, Davies says, had of late become the general practice, but 'the advantages of these kinds of contracts are apparently all on the landlord's side, excepting a supposition that the several obligations upon the tenant to fulfil the respective covenants for the management of his farm be productive of mutual benefit.'

"As to South Wales, however, the general introduction of restrictive covenants was undoubtedly the work of a somewhat later period," though an early example of an exceptional character is quoted with Carmarthenshire as far back as 1794. "Davies, in his report on South Wales, published in 1815, leaves no room for doubt as to the general existence in his time of a system of free cropping, restrictions on which

were, however, being introduced by an occasional landlord here and there.*

But such restrictions on tillage and cropping as were being introduced in Davies's time were "'as differently received by different tenants as they were variously planned and put in force by various proprietors or their agents. . . . . Innovations of every kind are easier accomplished gradually than all at once. Farmers of the peasant caste, who have been accustomed, and their fathers before them, to take five to seven or eight corn crops in succession, may be reconciled to a medium restriction of three corn crops with apparent satisfaction; whereas by binding them all at once to one corn crop and another green in perpetual alternation they never set about it cordially.'"†

"The 'innovation' certainly took time to be accomplished, for even as late as 1849 we find the following statement made by a careful agricultural observer:‡ 'As few of the leases of South Wales contain restrictive clauses, each farmer crops as he thinks best, and probably no two men in one parish pursue a precisely similar plan.'

This unrestricted freedom of cropping, accompanied with an almost equally unrestricted freedom in the sale of produce, naturally resulted in the extreme exhaustion of the soil and in the impoverishment of its cultivators; so that in the prescientific days of agricultural education, restrictive covenants and penal clauses had their use in forcibly guiding along a better course farmers who had previously been accustomed to follow blindly the old traditional system of their ancestors. A considerable remnant of the old freedom in both respects has, however, survived in many parts of the country in the readiness which many tenants show (in the last year of their tenancy, and in the absence of restrictive agreements) to crop a much larger extent of land than they were accustomed to; and it also survives in the form of an acknowledged right of

* The following statement is quoted from Davies's *Agriculture of South Wales* (i. 176) as an instance of many others that support this view:

"Penry Williams, Esq., of Penpont, in Brecknockshire, in a set of leases newly granted, has resorted to the *coup de main* (to try whether an improved system of tillage can possibly take place) of restricting his tenants from taking two white crops in succession; but always to introduce an ameliorating or green crop after every crop of grain. His tenants in the valleys of the Usk, the Bran, or the Esgair will, in a given number of years, have occasion to thank their landlord for imposing this restriction; but whether it can be able to overcome not only the prejudices of the oat-cropping farmers, but also the peculiarities of soil and climature in the uplands of Llywel, time will discover."

† Work cited, i. 363; and see generally the section on *Courses on Crops*, i. 505—83.

‡ Mr. C. S. Read in *Journal of R.A.S.E.* for 1849 (x. p. 132)

selling all the produce by public auction immediately before quitting." (p. 490.)

The more important of the restrictive clauses found in most modern agreements fall into two main classes, viz.:—

I. Conditions limiting freedom of cultivation and

II. Conditions limiting the disposal of produce.

Course of cultivation prescribed in agreements.

I. As to the first mentioned, it is observed that most agreements prescribe a certain rotation of crops (generally a four-course one) or limit the tenant to certain alternative rotations, heavy penalties being reserved for cross cropping. But in this respect public opinion appears to have experienced a change, and such restrictions are said to be now "contrary to modern ideas." "The old rotations have of recent years fallen into great discredit with the more intelligent farmers, and even cross-cropping is now regarded as highly beneficial under certain circumstances, but this change of opinion has not yet resulted in having the restrictive clauses struck out of very many estate agreements. The course of farming prescribed by the agreement may therefore be found, in many cases, to be contrary to that suggested by the experience and intelligence of the tenant as the most suitable for the improvement of the land. Thus 'where land is clover-sick under the four-course system, and it fails to come up, the tenant dare not sow a substitute, nor must he plough a field of clover that has been laid down three years or more.'"

As to the number of corn crops which can be taken in succession, the provisions of various agreements differ greatly. "Thus in a part of Carnarvonshire, as, for example, on the Vaynol, Glynllivon, and Nanhoron estates, tenants are not allowed to take even two white straw crops in succession. A similar restriction was quoted from a South Glamorgan lease, and it was characterised by the tenant as a hardship that he should have to ask his landlord what he should put in the land." In a South Pembrokeshire case the tenant had recently been allowed to disregard this covenant.

"According to the majority of agreements throughout Wales, tenants are, however, allowed to take two corn crops in succession, but are usually restricted from exceeding that number, while it is also stipulated that before a third corn crop can be taken the land should in the interval be fallowed, or be well manured, or that a green crop be taken from it.

In parts of Carmarthenshire and Cardiganshire the maximum limit of successive corn crops allowed is, however, raised to three, as, for example, on the Edwinsford, Pantglas, Tregib, and Pentre estates.

In parts of Brecknockshire and Radnorshire absolute freedom of cultivation appears to be enjoyed on several estates, and in at least one instance it was stated that there was no restrictive clauses whatever in the agreements."

A point of some interest in connection with arable cultivation generally is that "many of the old agreements prescribe an excessive use of lime, and though perhaps these covenants are not always enforced at present, still they have the effect of causing many tenants to neglect a proper use of purchased manures, which in many cases would, if properly selected, prove most suitable to the soil. The application of lime is also very expensive at present, owing to the large amount of labour which its use involves."

As to hay, the taking of two successive crops in different years is frequently prohibited unless the land has been previously top-dressed with a specified quantity of farmyard or artificial manure. More common, perhaps, is the prohibition of two crops in the same season,—and on this point the Commissioners observed that "the lower average yield per acre of hay in Wales as compared with England is probably due to the fact that in many parts of the latter it is customary to cut a second crop instead of grazing the aftermath, in which case, of course, a more liberal allowance of manure is given to the land. Under similar conditions the practice may, we think, be resorted to with advantage on lowland farms in Wales also, especially when the first crop proves scanty owing to a droughty spring, but a dressing of nitrate of soda or other suitable substitute should be applied to the land between the two crops. On highland farms, however, we do not think it practicable to take a second crop with advantage."

Sale of produce prohibited by agreements.

II. Covenants restricting the sale of produce – especially of hay and straw have been described by the "Special Correspondent" of the *Times*, as "almost universal in Wales," and the Commissioners remark that they are to be found "in almost every Welsh agreement," and that a very serious and widespread objection is felt against them. This feeling can perhaps be best appreciated by quoting the Commissioners summary of some of the evidence on the point.

"Thus with reference to the Vale of Glamorgan the vice-chairman of the Cowbridge Farmers' Club (Mr. D. J. Jenkins) characterised it as 'a very considerable hardship' that a tenant was not allowed to sell any hay or straw; 'because the tenant might import or bring on to his farm very considerable manurial value, and yet he is restricted from selling.' He added that in days gone by, this clause was very stringently enforced and was very generally inserted in leases in the district, though he did not know that it was so general latterly: 'landlords find that land has so depreciated in value that they are glad to get a good tenant without putting those restrictive clauses in the agreement.' An illustration of the hardship caused by a clause of this kind was furnished us by a neighbour

of the preceding witness, Mr. Rees Thomas, of Boverton. Referring to a former tenancy of his, he said : 'I was not to sell any straw, any hay, or any roots, or anything whatsoever but wheat, barley, oats or stock. I remember an instance very well, when I was offered £6 10s. a ton for a rick of hay on the premises. I asked my agent to consent to sell that one, and he said he could not do it. The result was I could not sell it.' This was said to have occurred a few years prior to 1884.

A retired tenant farmer from the same district stated his objection to these restrictions on the sale of produce as follows :—

'I thought it a great hardship for me to pay perhaps from £20 to £30 a year for bone manure to go to the land to improve the crops, and I should not have the benefit of selling any produce from the crops for which I had bought the manure. . . . . The manurial value of hay is about 30s. per ton ; straw, say 10s. ; swedes, say 5s. ; whereas you can sell hay sometimes for, say, £6 to £7 a ton,' and at the time of our visit in November 1893 for even more. 'If you were to sell the hay, and buy the equivalent, say in manure, I should think you would buy at a profit of, say, 200 per cent., because you could have every property that contains the manurial value of hay in manure. Especially so with swedes, again, I think in these days if you could sell swedes and buy corn, and feed the sheep on the fields with corn, and sell some swedes, you would profit very much indeed.'

While urging freedom of sale the witness, however, thought that in fairness to landowners there should be some check on the farmer to see that he brought on sufficient manure, though in his experience he did not know of any instances requiring such a check.

Several other Glamorganshire witnesses advocated the abolition of all restrictions on the sale of produce by tenants subject, however, to the requirement of introducing on to the land the equivalent in manure."

The occupier of an arable farm in South Cardiganshire complained that it was impossible for him to farm his land and make it pay "with such a strict and severe agreement," which of course prohibited the sale of produce. His landlord prevented him from selling some surplus hay a few years ago, though he bought hay and straw from tenant farmers of other estates.

"Mr. C. F. Priestley, who is one of the largest farmers in North Wales, described it as a 'stupid arrangement' to prohibit tenants from selling hay, straw, and roots. 'If the tenants are good they ought to be allowed to do it ; if they are bad the more they are looked after the better.' He himself had objected to such a clause being inserted in the lease of a farm which he held on his own cousin's estate, and it had accordingly been struck out. The sale of turnips and potatoes is prohibited by a clause in the estate agreement of Lord Stanley of Alderley.

A Radnorshire farmer holding over 500 acres of land in the neighbourhood of Knighton said that though he was prohibited by his agreement from selling hay and straw, he had, nevertheless, done so on occasions, without obtaining his landlord's consent. As he received about £5 a ton for the wheat-straw so disposed, he found it to his advantage to sell it and then purchase bone manure, which he could get conveyed on the hill-side land of his farm much easier than he could cart farmyard manure to the same position. This advantage would, we think, apply to a very large proportion of Welsh holdings, as, owing to the unevenness of the surface and the badness of farm roads in most hilly districts, the cartage of farmyard dung entails much drudgery to man and beast, and frequently necessitates the keeping of an extra horse on many a farm, while, on the other hand, the more portable nature of artificial manures reduces almost to a minimum the labour which their use involves."

"In some cases it is, however, specifically provided that tenants may sell their produce by replacing the same with artificial manures or feeding stuffs, and such freedom is for

the most part eagerly availed of, in suitable seasons, by many tenants if the manurial equivalent required in substitution is not fixed too high."

Among the more obvious circumstances under which it is of the greatest benefit for tenants to enjoy freedom as to the disposal of their produce, is that of a farm near some considerable centre of population. A Monmouthshire land agent, for example, observed that "with a farm near iron works or a town, a farmer can sell his hay and straw for a much better value than he could get out of it by consuming it. He can also recoup the farm by hauling from the iron works, or the coal works, or the town—he can haul far more manure than he could make of the hay or straw if it were consumed."

The evidence disclosed a tendency on the part of owners and agents to relax the stringency of restrictive clauses of recent years and to connive at breaches of their provisions. Several cases of the kind were mentioned but need not be reproduced here. It was, moreover, frequently stated that such clauses were hardly ever enforced except in the case of a bad tenant over whose head they were held *in terrorem*.

Restrictive clauses condemned by experienced witnesses.

The question which, therefore, seems to arise is whether these various kinds of restrictive covenants protect the interest of the landlord in a way that it could not be otherwise protected, or whether they are not real substantial obstacles in the way of the improving farmer. According to the Report (p. 494) "Several of the most practical and experienced witnesses expressed the opinion that such clauses should be entirely swept away from all agreements," which should be made much simpler than at present, and should allow tenants a liberal discretion to cultivate their farms in the manner they think best. "For example," the Report continues, "Mr. Bowen Woosnam, a barrister-at-law, who is also a practical farmer (in the neighbourhood of Builth), on being asked whether he would not favour the insertion of a clause requiring tenants who sold their crops to bring back their equivalent in manure, said that he would not put it in any agreement though he was in favour of free sale: 'I would leave it to the discretion of the tenant and the landlord. Of course, in speaking of yearly tenancies, if the landlord sees his tenant is habitually selling off his produce and doing nothing in the way of putting manure in the place of it, I think he would be in a position to remonstrate; but I think the restriction in farm agreements, the hard-and-fast rule that is laid down, that he must not do this and must not do the

other with regard to produce, is a very great drawback in some instances to the tenant realising the best price for his farm produce.'

Major Birch was still more emphatic in his condemnation of penal clauses and restrictive covenants in the agreements which he produced to us, and which he regarded as 'simply waste paper.' 'The penalising clauses and the course-of-cropping clauses are never acted upon. I would not be interfered with as regards my course of cropping (I am speaking as a practical farmer now), and I would not sign any agreement that would interfere with me if I did not know that it was going to be a dead letter. But I think myself, that with a very little consideration, an Agricultural Holdings Act might be made, beginning with full compensation for all improvements made by the tenant—full compensation. An Act might be made applicable to England and Wales that should take the place of agreements, and we should have no agreements of any kind or shape, except a few reservations that you might wish to put in. Of course, as regards the minerals and as regards game too, you must put in reservations. I am not giving a lawyer's opinion, only what my experience is. I hate the sight of these agreements myself because they are of no use.' Major Birch subsequently added that such an Act of Parliament should—and could in his opinion—provide not only full compensation to the tenant but also full protection to the landlords that their farms should not be run out.' The agent for the Bodorgan Estate, in referring to the 'oppressive clauses' in his own agreement, said that they were never used, and they might as well go out; they were only an encumbrance.

Mr. O. S. Wynne, the former head agent of the Wynnstay Estate, in referring to penalising clauses, said: 'There is not an agreement on any estate in the country, I think, which cannot be remodelled, I think, to very great advantage . . . and if I were to take up an agency again, I believe I could write a perfectly satisfactory agreement on a sheet of note paper.'"

And by the Commissioners.

The Commissioners in conclusion express their own opinion (p. 496) on the use of restrictive clauses. They point out that landlords should at the outset look for "reasonable intelligence and honesty" among applicants before they are accepted as tenants, "and assuming that they find such qualities, then tenants should be permitted to exercise an unfettered discretion in the matter of cropping and in the disposal of their produce. . . . By prescribing what a tenant should and should not do with reference to

every crop, and by limiting his choice of rotation, they leave very little room for that free play of intelligence which is so necessary to encourage in agriculturists. The result is that farmers are not able to make the best of their holdings in view of the changed conditions of their industry, they are not permitted to adapt themselves to the changing requirements of the market with sufficient promptitude as to profit thereby. For example, an intelligent tenant might easily have foreseen that the hay crop of 1893 would be so scanty that in the ensuing winter any hay which he might be able to sell would bring him a most remunerative price, even £10 per ton being, it was alleged, paid in South Pembrokeshire for foreign hay. Most probably, his agreement would not, however, permit him to take a second crop, or to sell any surplus quantity that he might have unless he asked for a special permission, which might be refused him. That these clauses have in the past seriously hampered tenants, and have tended to perpetuate old-fashioned methods of farming seems only too clear from the testimony of our witnesses. The very fact that of recent years they are relaxed and overlooked so as to give the tenants a better chance of combating the depression proves that when they are enforced the tenant is handicapped in his pursuit. One witness bluntly stated that landlords now allow the tenants to break through agreements—'anything, sir, only not come down with the rent; that is about the fact of it.' If the depression results in the sweeping away of the majority of these penal clauses and restrictive covenants, agriculturists will be able to console themselves that it brought them one important blessing, namely, the liberation of farming from a cast-iron system which could not easily and promptly be adapted to the changing conditions of their industry."

3.—*STATUTORY CONDITIONS OF TENANCY:—THE AGRICULTURAL HOLDINGS ACTS AND THE GROUND GAME ACT.*

Statutory conditions.

But agriculture in England and Wales has not been left to be entirely governed either by custom, however long established, or by private agreement between landlord and tenant. In the interests of the agricultural industry at large, as well as of that larger community which is only indirectly interested in agriculture, the Legislature has, however, stepped in—tardily, and after long agitation—to impose certain general conditions which shall apply to every agri-

cultural tenancy, and shall in every such case, unless otherwise provided, over-ride such conditions as are based solely on custom or contract.

It was in the year 1875 that the principle of legislative interference with the absolute freedom of contract in the matter of agricultural tenancies was first clearly recognised and acted upon by the State, and the Agricultural Holdings Act of that year was "the thin edge of the wedge," which has, since then, made possible the passing of two other important Statutes, viz., The Ground Game Act of 1880, and the Agricultural Holdings Act of 1883.

Contracting out of Agricultural Holdings Act of 1875.

It is not intended in this section to give any detailed account of the provisions of these three Acts. All that we shall do here is to inquire how far they have been generally accepted, and to what extent have attempts been made to exclude their operation.

1. *The Agricultural Holdings Act of* 1875.—As to the extent to which this Act was adopted in Wales, we shall quote the observations of the Commissioners at length (p. 496):

"As to the earlier Act of 1875, which was entirely a permissive Act, we find that the great majority of Welsh landowners immediately excluded its operation by means of a contracting-out agreement. We received very ample testimony on this point, and we observed that one marked result of this contracting out of a legislative enactment was to produce in the minds of the tenantry, especially in Welsh-speaking districts, a firm impression that the agreements which were made after 1875 had the force of over-riding all future Acts of Parliament of a similar character, and therefore that they themselves were excluded from all benefit under the subsequent Act of 1883. Most landowners, in fact, aimed at such a prospective exclusion of all amending Acts, forgetful of the omnipotence of Parliament in this respect, or, perhaps, only determined to make the attempt for what it might be worth. At all events, we find that the contracting-out clause was generally couched in the following, or some other like form:—"This contract of tenancy shall not be affected by the Agricultural Holdings (England) Act, 1875, *or any statutory modification thereof.*"

As to the small extent to which the Act of 1875 was adopted in Wales, we have contemporary evidence of an unimpeachable character in the replies which were sent to a circular issued by the editor of the *Mark Lane Express*, a well-known agricultural newspaper, in which they were

published on the 1st May, 1876.* Returns were thus obtained from several districts of every English county, and from eight of the Welsh counties, including Monmouthshire. In answer to the question, "To what extent has the Agricultural Holdings Act been adopted?" the reply from Anglesey was, "To no extent that I have heard of;" from Cardiganshire, "Not a single case, to my knowledge in this county" from Pembrokeshire, "I believe the Act has been adopted by Lord Kensington;" from South Carmarthenshire, "Not at all." From North Carmarthenshire "The Act has been adopted by the Earl of Cawdor, Mr. John Jones, M.P., and Mr. Charles Lloyd (? of Brunant);" while negative replies were given for the whole of Glamorganshire, the Wye district of Radnorshire, East Montgomeryshire, and West Denbighshire. Four replies were received from Monmouthshire, and according to these the only estate which was specifically mentioned as having had the Act applied to it was that of Lord Tredegar.

In answer to the inquiry as to the "party by whom notice of exemptions from the Act was given," the reply in all the Welsh cases without exception was "the landlord." This was supplemented by the addition of the word "invariably" in the Cardiganshire reply, while that for North Carmarthenshire took the form "in no single instance the tenant." The replies to some further questions contained in this circular were, so far as Wales was concerned, of a significant character. Thus, the question, "Do the tenants generally desire to come under this Act?" elicited from Anglesey the ambiguous reply of "somewhat; they do not feel strongly about it, knowing it to be a double-edged kind of Act that will cut either way." Perhaps the lukewarmness of the tenantry in this county was due to the fact that they had at that time a pretty generally acknowledged custom which has subsequently been suppressed to a large extent. This explanation at all events accounts for the Glamorganshire reply, which was to the effect that the tenants were believed not to feel any general desire for seeing the Act adopted inasmuch as "the custom of the county is fair and generally satisfies the tenants." Most of the replies from Monmouthshire partook of the same nature; in the west of the county, where the chief estate is Lord Tredegar's, the tenants were said to be "indifferent—they hold under good landlords, on whose estates a liberal custom prevails." In the Wye district of Radnorshire the tenants were said to favour the adoption of the Act "as far as they took interest

* These replies were subsequently reprinted in the Appendix to Mr. W. E. Bear's *Relations of Landlord and Tenant* (1876).

and understood it," but they were characteristically described as slow improvers and "therefore rather indifferent—though the more intelligent had accepted it."

In most of the Welsh-speaking districts of the country there was, however, a general eagerness to come under the Act. As to Cardiganshire it was said that the tenants "dare not express a wish to that effect," though unexhausted improvements had previously not been paid for. In North Carmarthenshire the tenants "were so much under the screw that they did not feel inclined to stir in the matter—though frequent complaints were made by outgoing tenants that they were dealt hardly with in respect of their unexhausted improvements." The tenants of the Northern part of the same county were described as "very passive, but more in favour of the Act than otherwise," though they considered it very defective as being merely permissive. The tenants in West Denbighshire and East Montgomeryshire "very much desired" the adoption of the Act, but "the landlord simply gave them notice that the Act was not to be adopted."

This contemporary evidence is supplemented with reference to the estate of Mr. Assheton Smith by the statement of the Agent, according to whom, the tenants, on being invited to consider the question, "came to the conclusion that all things considered, they were better off under the agreement" than under the Act.

There were probably a few other instances where the tenants felt some reluctance to come under an Act, the provisions of which they only vaguely understood, but in the great majority of cases, the initiative in excluding the Act was taken by the landlords themselves.

One indirect result, of a beneficial character, resulting from this Act will be noticed later,—viz.: the impulse it gave to many landowners to remodel their agreements, and bring them more into line with the principles which were embodied in the Act itself.

Contracting out of Agricultural Holdings Act of 1883 attempted.

2. *The Agricultural Holdings Act, 1883.*—The case as to this Act is entirely different from that of the preceding one, which was purely permissive, while this is, with one or two exceptions, compulsory—one of its provisions being that any agreement inconsistent with the Act, "be void both in law and equity." A tenant therefore cannot, by means of any agreement with his landlord, deprive himself of his right to compensation under this Act—the only exception being that if "*fair* and *reasonable* compensation, having regard to the circumstances existing at the time of making such agreement," be provided "by any particular agreement in writing,"

the compensation referred to will be deemed to be substituted for compensation under the Act, and as such will be recognized as legally valid. But by this provision the spirit, if not the letter, of the Act is strictly adhered to, and the only point in respect of which contracting-out is allowed is as to the length of the notice to quit. The Commissioners refer, however, to the prevalence of a very general belief, not only among tenants, but agents and owners also, that the Act of 1883 could be wholly excluded by private agreements. Owing to "the promptitude with which landowners, especially in the Welsh speaking counties, had excluded the Act of 1875," this misconception on the part of the tenants is said to be "under the circumstances, easily understood, but," the Commissioners add (p. 497), "we were not prepared to discover that many large landowners and their agents also shared in such an erroneous view of the Act. At all events several agreements which were produced before us contained clauses purporting to exclude the Act of 1883, and the more charitable view to take is that such clauses were inserted owing to the ignorance of the owners or agents concerned. Thus in the case of the Pentre Estate, in south-west Wales, a clause contracting out of the Agricultural Holdings Act of 1883 was inserted in two sets of new agreements made in 1885 and 1889 respectively; owing, in the first instance (according to a statement of the agent's), to ignorance of law on his part, and on the second occasion owing to a printer's error. The error had not, however, been rectified, by having an amended agreement printed, up to the time of our visit to that part of the country. In 1885, a tenant who declined to sign the agreement, owing partly to this clause, was given a notice to quit, which was, however, subsequently withdrawn on his signing it. Four years afterwards his holding was sold, and purchased by himself; the purchase money being, it was alleged, higher than it would otherwise be on account of his own improvements.

On the Peterwell Estate, near Lampeter, new agreements were made with all the tenants in September 1891, and both the Ground Game Act and the Agricultural Holdings Act of 1883 were excluded; the landlord, who himself produced the agreement before us, being apparently under the impression that it was permissable by law so to do.

In the copies produced before us of the agreements in use on three other estates in the same neighbourhood, namely, Pigeonsford, Derry Ormond, and Glandenys, there are similar clauses contracting out of the Act of 1883. In the last-mentioned case, the agreements were sent out to the tenants,

for signature as late as September, 1892, but it appears that the tenants, for the most part, did not sign them, but continue in their holdings as tenants-at-will.

In North Wales, again, we found that the agreement in use on such a well-conducted estate as that of Lord Penrhyn contained the following clause: 'None of the provisions of the Agricultural Holdings (England) Act, 1883, shall apply to this agreement, or to the tenancy thereunder." What was probably in the mind of the agent or draughtsman in this case was that the clauses in the agreement providing compensation were a fair substitution for the compensation provided by the Act, but we need hardly point out that, even assuming the superiority of the substituted compensation it was *ultra vires* to attempt to exclude the Act altogether. Similar clauses excluding the Act are also found in the estate agreements of Lady Neave of Llysdulas, Mr. Ellis Nanney of Gwynfryn, and of Mr. R. V. Kyrke of Mold."

" With reference to section 33 of the Act, namely, that as to the length of the notice to quit, we find that the great majority of landowners exercise their right to exclude the clause, and so make the tenancy determinable on a six months' notice. This is not so, however, on the estates of Lord Kenyon, Lord Mostyn, Sir Richard Bulkeley (of Baron Hill), Colonel Wynne Finch (of Voelas), and Sir Joseph Bailey (of Glanusk), but with these few exceptions, we may safely say that on nearly all the larger estates, concerning which evidence was given us, the notice to quit is shortened to one of six months.

" In very few cases indeed is the Act of 1883 adopted in its entirety, and without any reservations whatsoever. The only instances that occur to us at present are the agreements on the Baron Hill and Voelas estates.

" In the former case the tenancy is declared to be 'generally subject to the provisions' of the Act, but the Voelas Estate agreement is still more explicit on the point, declaring the tenancy to be 'subject [without any qualification] to the Ground Game Act, 1880, and the Agricultural Holdings Act, 1883.'

Substituted compensation provided in agreements.

" In many cases, however, no new agreements have been made subsequent to the passing of the Act of 1883, though it appears that soon after the Act of 1875 most of the then existing agreements were modified in a more or less degree, according to the views of the different landowners. On a few of the best managed estates, though the Act of 1875 was excluded, liberal provisions were introduced into the agreements for the purpose of compensating tenants for

their improvements. This appears to have been done on the estates of Lord Penrhyn, Sir W. W. Wynn, the Earl of Lisburne, and probably others, but it was nevertheless the exceptional course. These provisions have subsequently been retained, possibly with slight modifications, as affording compensation in substitution for that provided by the amending Act of 1883. In other cases new schedules have been framed and adopted, and 'substituted compensation' is provided for on a considerable number of the larger estates, more especially in North Wales.

"In East Denbighshire and part of Flintshire, the schedule of the Shropshire Chamber of Agriculture has been adopted on several estates. Monmouthshire has framed a schedule of its own, while South Glamorgan has its custom. Schedules of compensation are, on the other hand, practically unknown in the agreements which are in use in the south-western counties of Carmarthen, Cardigan, and Pembroke, except perhaps on one or two estates in South Pembrokeshire.

"In order to be valid, the compensation provided in substitution for that of the Act, must be 'fair and reasonable, having regard to the circumstances existing at the time of making the agreement.' In the cases where schedules have been adopted by chambers of agriculture, there can be no doubt, we think, that this condition is satisfactorily fulfilled, but it is a task of much more difficulty to pronounce upon 'the fairness and reasonableness' of schedules which have been specially framed for individual estates or individual tenancies. In such cases there is a tendency to introduce conditions which circumscribe and limit the advantages of the Act, and which the tenant is very often likely to neglect.

"For example, the tenant is usually required to produce vouchers showing his outlay on lime, artificial manures, or feeding stuffs, but in many cases this is not deemed enough. On the Nant Clwyd estate, compensation according to a substituted schedule is to be paid 'provided that vouchers have been produced to the landlady or her agent and endorsed by either of them at the time when such expenditure shall have been incurred in respect of which a claim is intended to be made, and a written certificate be given of the amount of claim to be allowed, and all such allowances shall take effect from the date of such afore-named certificates.'

"We can easily believe that it would be extremely distasteful for most tenants to be perpetually obtaining certificates of this kind, whenever they limed or manured, or did any other act of husbandry for which they might ordinarily be entitled to compensation. Nor would it always

be very convenient to apply for such certificates, as the agent in this particular case lives, we understand, at Chester, while the estate, which is owned by a lady, is situated in the Vale of Clwyd.

"Another illustration of the kind of conditions to which we are referring may be taken from the agreement of Mr. W. E. Oakeley of Tanybwlch. In this case, it is specially agreed that at least one week before the tenant commences to apply any bone manure to his land, written intimation of his intention to do so must be given to the landlord or his agent. A similar clause, but extending also to the application of lime, was also found to be included in the Gwydyr agreement.

Agreements excluding the Ground Game Act.

"Conditions of this kind, in effect, contravene the spirit of the Agricultural Holdings Act of 1883 by compelling the tenant to give notice before executing improvements which under the Act he is entitled to do without any such notice. This whittling away of the advantages of the Act is also another reason for the very general belief among tenant farmers that their tenancies are excluded from its operation." The Commissioners in conclusion observe that it would greatly simplify matters if no contracting-out whatsoever were to be allowed, but the practicability of such a policy is a question which will more conveniently come under consideration when dealing, later on, with the recommendations of the Commission.

3. *The Ground Game Act, 1880.*—In some of the Agreements which have just been mentioned as containing clauses excluding the Agricultural Holdings Act, 1883, the Ground Game Act is also added. More often, however, the Game is reserved—hares, rabbits, and all—without stating that such a reservation is subject to the Act. We extract the following from the Report (p. 512) on this point:—

"In the case of Mr. John Jones, a tenant farmer of Pontneath Vaughan, Vale of Neath, an agreement was handed in in which the ground game was reserved to the landlord, and in his district it was said there was in some cases a similar agreement, so that the tenant farmers dare not put the Act in force. Mr. Jones, however, said he was not aware of any cases in which a landlord had interfered with the right of the tenant, though the agreement was taken as a basis.

Mr. Owen Williams, a tenant farmer of Anglesey, stated that in the agreements of Lord Stanley of Alderley and Sir George Meyrick, the landlord reserved to himself the ground game as well as the winged game. The witness further said: 'The tenants knew very well this was illegal, but they would not like to kill a rabbit or a hare because if the keepers saw them they know the consequence, although they know they have a right to it by law.'

With reference to this statement Mr. Thomas Prichard, agent to Sir George Meyrick, said: 'The game is preserved, but as a rule—in fact I may say everywhere, except near the covers—the tenants are allowed to

catch all rabbits in any manner, but they prefer to keep up the stock and catch them in the season when prices are highest, and convert the farms into rabbit warrens. Hares are almost extinct on the Bodorgan Estate."

The Chairman of the Carmarthenshire County Council, Mr. Gwilym Evans, referring chiefly to North Carmarthenshire, remarked: 'One landlord, to my knowledge, has it printed in all his agreements that hares and rabbits are included with other game. There are scores of similar agreements still in existence." The agreement referred to was produced, the clause in question reading thus: "The landlord reserves . . . . . also all game, wild fowl, and fish (inclusive of hares and rabbits), and nest and eggs of game, with the right for himself, his friends, and servants, at all times to enter the farm for the purpose of sporting and preserving the same, except that the tenants shall have such right concurrently with the landlord to kill and to take hares and rabbits as is given to the tenant by the Ground Game Act, 1880."

Another witness brought to our notice a poster published by Colonel Lewis, of Llysnewydd, in which it was stated that he held from Lord Cawdor the exclusive right of shooting all game, hares, rabbits, and wild fowl in certain parishes in the manor of Emlyn Uch Cych, in the county of Carmarthen. He pointed out that such was illegal, and in consequence of it the tenants were afraid to assert their rights.

Colonel Lewis stated, in explanation, that the notice was an exact copy of the deputation he had received from Lord Cawdor; he admitted, however, that the tenants had a right to the ground game, and the word "concurrent" right should have been used instead of "exclusive" right.

Mr. John Bowen, of Llwyn Einon, in the parish of Cilrhedyn, put in an agreement in which there was an attempt to contract out of the Ground Game Act. In the agreement also of Mr. J. C. Harford, of Falcondale, were these words: 'The tenant shall not hunt, shoot, or destroy hares.' Mr. Harford, however, excused himself on the ground that the clause was not insisted upon."

Or limiting its operation.

A few other landowners have endeavoured to limit the tenant's rights, as to the *method* of killing game. One example of the kind will suffice. Mr. R. J. Lloyd Price, of Rhiwlas, issued in 1885 a circular to his tenants stating that they might kill rabbits with ferrets and nets only; as to this Mr. Price remarked, "Yes, I consider that is the proper way to kill rabbits. I do not allow my underkeepers to kill them in any other way, and what is the best way for the keeper to kill a rabbit is best also for the farmer." He added that he was aware that under the provisions of the Ground Game Act fire-arms might be employed.

On the other hand it should be stated that on a few estates the tenants had been allowed to kill rabbits prior even to the passing of the Ground Game Act. This was stated to be the case, for example, on the Vaynol estate, while on the Hafodunos estate similar permission was given for two months every year—between February and 1st April.

4.—GAME.

Game at common law belonging to tenant, but in practice reserved by landlord.

Passing on to the general question of game, it is to be noticed that at common law all wild game belongs to the tenant and not to the landlord—by virtue of the tenant's

possession of the land. It has, however, long been the practice for landowners in their agreements with their tenants, to reserve for themselves the right to the game, and, referring to the numerous agreements produced during the inquiry, the Commissioners observe that "in nearly every instance, in all parts of Wales, the reservation is made in favour of the landlord in the fullest possible manner allowed by law.

"We received," the Commissioners say, "a very large mass of evidence in nearly every place at which we sat concerning the operation of the law relating to game and the effects of the exercise of sporting rights.

Principal complaints as to game summarised.

The principal complaints came from tenant farmers, and witnesses on their behalf, who alleged that game preservation and the exercise of sporting rights did great damage to crops, and in many ways hindered cultivation, while the arbitrary conduct of gamekeepers, the selfish and careless conduct of sporting tenants, and in some cases of the landlord and his friends, was a perpetual source of friction between landlord and tenant, and it was therefore urged either that all special statutory restrictions should be abolished, or at any rate the Ground Game Act of 1880 extended to winged game, even if such a policy resulted in the cessation of game preservation, or the extinction of winged game in the whole country. On the other hand, estate owners, agents and others, argued that any substantial change would lead to the landlords giving up any attempt to preserve, and that the consequence would be the disappearance in a very short time of all pheasants, partridges, grouse, etc., and the consequent loss of an agreeable source of food supply. Moreover, that this result would lead to the estate owners and their friends ceasing to reside for a large part of the year upon their estates, and to a large number of persons being thrown out of employment.

It was alleged that sporting brought into the different districts numbers of wealthy persons to whom otherwise the country would present small attraction, and that much money now brought into rural districts would be spent in other countries.

It was contended that these consequences were of so serious a character, especially at the present time, that only the very strongest evidence that real loss is sustained by the cultivators of the soil could justify any substantial alteration of the law. It was denied that any considerable damage is done by game preservation, that there was gross exaggeration in reference to the matter, and that, when damage is shown to have been done, adequate compensation is made. These witnesses also stated that it is untrue to allege that sporting

gives rise to ill-feeling between landlord and tenant as a general rule. Several witnesses too urged that the punishments for offences connected with game were unduly harsh and out of proportion to the gravity of the offences. But assuming that it is necessary to legislate upon the matter at all, no objection of any serious kind was made to what may be called the general scheme of the legislation upon the matter."

"Such," the Commissioners say, "is a fair summary of the views and contentions of the two important classes whose opinions and grievances were laid before us."

Some idea of the prominence given by witnesses to this question may be formed when it stated that 20 pages of the Report (pp. 501—521) are devoted to selected extracts from the evidence under this head; but we shall notice only two or three of the more salient points thus brought out.

Chief among these, perhaps, is the tenants' abnormal dread of—and, to put it plainly, their unmitigated hatred for —the Gamekeeper. Statements made by several responsible witnesses are quoted to illustrate this feeling, but a saying of Mr. Bryn Roberts (not quoted in the Report) will, perhaps, best serve to explain what is meant. Speaking as to the insecurity of the sitting tenant, he referred to "their being completely under the thumb of the landlord, of whom they were not much afraid; of the agent, of whom they were a bit more afraid; and of the gamekeeper, of whom they were very much afraid." (Qu. 13,171.)

Many of the witnesses exhibited a feeling of much dissatisfaction with a clause, common enough in most agreements, requiring their *active* co-operation in preserving game, and in warning off, and if necessary, prosecuting poachers. Some put their views briefly by saying that they objected to acting as gamekeepers for their landlords. It seems evident, however, that the majority of tenants feel no little pleasure in being able to provide their landlords with a reasonable amount of sport, and the soreness only appears either in the case of over-preservation—which on the whole, does not now appear to be so common as formerly—or of letting the game to sporting tenants.

It was in this latter respect that the gravest complaints were made and the Commissioners refer to the matter thus (p. 517) :—"The impression left on our minds is that sportings tenants, being generally strangers, do not get on as well with the tenant farmer as the landlord himself. Often they appear to behave with insufficient consideration for the feelings of the tenant of the land, and we fear that in some cases

they exercise their rights in a careless and arbitrary manner. The misunderstandings that arise may be due to ignorance of the Welsh language on the part of sporting tenants and in other cases may be attributed to ignorance of the conditions of country life and farming operations."

Conclusions and Recommendations as to Game.

In the Majority Report the question of game is further dealt with—the Minority also approving the remarks there made; it may, therefore be convenient to dispose of the matter finally here. Briefly put, the abolition of the game laws which was urged by so many witnesses is not only *not* endorsed by the Commission, but is in fact deprecated, and no legislative action whatsoever is suggested except the codification of the numerous Acts of Parliament relating to the subject. Moreover, the preservation of game is actually encouraged "under proper mananagement and with proper regulations," and the belief is expressed that if complete security of tenure be conferred on the occupier the game question will settle itself.

Having said so much we shall quote the Commissioners' observations in full (p. 929):—

"Making every allowance for the grievances caused to tenant farmers in the past, and in a less degree at the present time by the existing system, fully alive as we are to the friction caused by the arbitrary interference and the sometimes arrogant behaviour of gamekeepers, and to the natural irritation of the occupier of the soil at the oftentimes careless exercise of the reserved rights of the landlord to re-enter for sporting purposes, but, on the other hand, taking into account the physical and economic circumstances of Wales, we cannot recommend the changes in the law advocated by many witnesses. We think that in the present circumstances and those of the immediate future, the extension of the principle of the Ground Game Act, 1880, to winged game would lead in a measurable distance to the practical disappearance of pheasants, partridges, and grouse; it would throw a considerable number of persons out of employment; it would cause many persons who now frequent the Welsh counties for sport to discontinue their visits. The dimunition of any agreeable kind of food supply is, in our view, a misfortune; and it follows from our general recommendation that agriculturists should change their methods and concentrate their attention upon the great towns that we should be inclined rather to encourage than discourage the production in Wales of kinds of food which command high prices. We have more than once emphasised our opinion than an

estate should be looked upon as an economic unit. How far the preservation of game can be made to pay we cannot say with any certainty, but we are inclined to think that under proper management it might be lucrative, and that with proper regulations, conceived in a business-like spirit, it might be carried on without offence to the tenants.

We have no doubt that in the past, and occasionally at the present time, the statutes as to offences connected with game have operated with undue severity and been applied with considerable harshness, and have in many places been a source of much friction and unhappiness. At the present time we believe, speaking broadly, they are administered throughout the principality in a more enlightened manner. We think that it would be very desirable that the statutes dealing with these offences, or making special enactments extending the law of trespass for the purpose of protecting sporting rights, should be simplified and consolidated into an intelligible code.

We are convinced that the real root of the mischief created between landlord and tenant by the exercise of sporting rights has been the insecurity of tenure under the prevailing system. The real grievance is that the tenant, knowing his defenceless position in regard to his holding if he should incur the displeasure of his landlord, feels himself unable to claim adequate compensation for any damage to his crops, or any grievances due to the arbitrary or violent action of gamekeepers, or the careless and discourteous exercise of sporting rights by sporting tenants.

If the recommendations of the majority (the effect of which would be to confer complete security of tenure on the tenant farmer) be adopted, we think that the game question will settle itself. The tenant will be placed in such a position as will enable him to take a firm stand against any improper exercise of sporting rights, or any damage that he may sustain by game or otherwise. The question of the landlords reserving the exclusive right in regard to winged game would become a matter of adjustment between landlord and tenant subject to the control of the court. If the reservation be insisted upon by the landlord, or conceded by the tenant, that would be a circumstance to be taken into account by the court in fixing rent. And so, on the other hand, if the tenant insists on the omission of any reservation, and seeks for himself the sporting rights of a holding, the rent would naturally be increased."

5.—THE RIGHT OF DISTRESS.

The Right of Distress at present much curtailed.

In addition to the ordinary means at the disposal of every man of business for the recovery of debts and the protection of his interests generally, a landlord has a right of taking, without legal process, goods belonging to his tenant in satisfaction of arrears of rent and certain other dues. This, in short, is the right of distress which formerly extended to six years' rent, but was limited by the Agricultural Holdings Act of 1883 to one year's rent.

But landlord's position strengthened by special clauses in his agreements.

A landowner, moreover, possesses certain exceptional rights as against execution creditors, and in case of his tenant's bankruptcy as well as in regard to certain preferential charges on goods distrained upon. But his position is generally further fortified by means of clauses inserted in his agreements, providing for the immediate determination of the tenancy and for the landlord's re-entry in case the tenant becomes bankrupt, or an execution be levied against him, &c. Most of these provisoes are characterised by the Commissioners as "undoubtedly very stringent," but, on the other hand, "the evidence shows that such powers of re-entry are rarely exercised, and if exercised, are put in force rather with a view of defeating or delaying creditors than with hostility towards the tenant's interests, and, in fact, the main body of opinion adverse to the exceptional right of the landlord to distrain, and his favourable position as against execution creditors and the other creditors in case of bankruptcy, relied not on any hardship to the tenant as on the injustice and inequality of the existing law in not treating a landlord like any other creditor. Many of the witnesses evidently were not aware how very greatly the rights of the landlord have been limited by the legislation briefly explained above."

The Commissioners report (p. 542) that as to distress generally and the preferential position of the landlord, the principal questions on which the witnesses dwelt, one way or the other, were "whether the right to distrain for rent should be maintained; whether its abolition is or is not expedient in the interests of the tenant as well as the landlord; whether its effect is to render the landlord careless in choosing a new tenant as to whether he had adequate capital; and whether the landlord's exceptional right in case a tenant gets into difficulties have not the effect of limiting the credit of the tenant as well as if he gets credit of unfairly defeating and delaying his creditors."

Every landowner and agent who expressed any opinion at all on the question appear to have advocated the retention of this right of distress—one witness observing that "it is far better for the tenant to fall into the hands of his landlord than into the hands of a body of angry creditors."

Most, though not all, witnesses of the tenant farmer class, however inclined to its abolition—a course also strongly recommended by witnesses engaged in business, and having transactions with farmers, *e.g.*, auctioneers, and general merchants in country towns.

Abolition of landlord's preferential rights suggested.

The most important evidence in support of the abolition of distress was that given, in his official capacity as representing the Board of Trade, by Mr. John Smith, Inspector-General in Bankruptcy, who said: 'I rather think it has a tendency to protect the landlord and the farmer against the creditors of the latter. Therefore it has a tendency to encourage the landlord to take an impecunious tenant, knowing he can protect himself at the expense of the tenant's creditors, by seizing the stock which remains upon the farm when that tenant becomes bankrupt.' He also said: 'I think it is detrimental to all concerned; it is demoralising because it is unjust.' Further, that 'It incites an unnatural competition for land.'

The following statement, made by Mr. Thomas Davies, of Fedwlwyd, Bala, is also sufficiently startling to deserve reproduction: "The preferential claim for rent always means that the landlord gets what is due to him in full and generally in good time. In times of depression the effect of this is that tradesmen suffer greatly, as tenants are unable to meet all their creditors, but they have always to be careful to see their landlord paid. I have taken the trouble to call on all the leading tradesmen in the town of Bala, and a sum not far short of £10,000 is owing to them from farmers of the district. I can produce letters from a large number of tradesmen showing how much they have on their books. In many cases, again, the fear of distress compells farmers to borrow money for the purpose of paying the rent."

But not recommended by the Commission.

The Commissioners, however, do not think it expedient to recommend the abolition of the right of distress: "It should be observed that the landlord's right to distrain is now very limited, and we are of opinion that its operation by way of protecting the landlord against other creditors of a bankrupt tenant is very slight; while we cannot assent to the proposition that it affords any effective inducement to the landlord's taking an impecunious tenant on a farm

holding. We confine our remarks on this head to agricultural tenancies, as we recognise that other considerations have to be borne in mind in regard to mere dwelling-houses." (p. 928.)

6.—CHARGES ON LAND.

No opinion expressed as to incidence of taxation,

The principal charges on land are (i.) the land tax; (ii.) chief or quit rents payable to the Crown or some mesne lord; (iii.) rates; and (iv.) tithe. In regard to these charges the Commissioners received a large amount of evidence, a consideration of which shows that there is much difference of opinion and some confusion of thought as to the first principles of State taxation. "Most of the witnesses who came before us," the Commissioners state, "complained of high rates and were of opinion that they had increased during the last few years, but so far as we can obtain exact figures they hardly support the views urged in evidence." In one sense the rates may be said to have increased, that is in their aggregate amounts, because the assessments and the value of property have increased, but it is pretty conclusively proved that on the whole the rate per £ of all local payments has not increased in the course of the last 50 years.

but statistics show that local rates have decreased.

Moreover, where witnesses referred to the increase in rates they spoke only of particular parishes or unions, and their evidence is not necessarily inconsistent with the view that the local rates, as a whole, throughout the agricultural districts of Wales, have decreased and not increased. To endeavour to determine this question, the Commission obtained from the Local Government Board a return of the rates levied in six selected unions for the years 1868 and 1893. If this return can be accepted as fairly typical of the proportion between the rate in the pound in 1868 and the rate in the pound in 1893, it will be observed that there is an average reduction of $3\frac{1}{4}$d. *(See* Table opposite).

As to the wider question "whether realty is unfairly taxed as compared with personalty," the Commissioners observe that it is a matter which can only be properly discussed when first principles are agreed upon, and that its proper solution requires the ascertainment of the value of property of all kinds in the United Kingdom, the determination of the real incidence of the different kinds of taxes, and, possibly, adjustment of the financial relations of the different parts of the kingdom.

Return of the Rates levied in six selected Unions for the years 1868 and 1893 :—

Name of Union.	Union-County.	Wholly Rural or partly Urban and partly Rural.	Area of Unions (excluding Water).	Population of Unions.		Rateable Value of Unions.		Rateable Value of "Lands" only.		Rates raised in Unions.		Rate in £ of Rates raised, calculated on Rateable Value of Unions.	
				1871.	1891.	1867-8.	1893-4.	1870.	1894.	1867-8.	1893-4.	1867-8.	1893-4.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
			Acres.			£	£	£	£	£	£	s. d.	s. d.
Llanrwst ...	Denbigh ...	Wholly rural	118,658	13,050	13,011	39,179	49,882	31,126	33,634	7,460	6,441	3 $9\frac{3}{4}$	2 7
Narberth ...	Pembroke ...	Do.	124,144	20,332	18,190	87,739	90,140	77,898	78,058	14,824	13,526	3 $4\frac{1}{2}$	3 0
Newcastle-in-Emlyn	Cardigan ...	Do.	114,484	18,818	19,108	52,523	53,572	48,883	47,483	9,654	10,066	3 8	3 9
Anglesey* ...	Anglesey ...	Wholly Rural in 1868. Partly urban and partly rural in 1894.	60,610	16,264	14,681	49,807	55,878	42,827	43,538	11,803	9,779	4 $8\frac{3}{4}$	3 6
Llanfyllin ...	Montgomery	Partly urban and partly rural.	192,738	21,671	18,436	127,420	136,653	115,162	116,489	14,062	‡13,300	2 $2\frac{1}{2}$	1 $11\frac{1}{4}$
Monmouth ...	Monmouth ...	Do.	96,455	31,598	28,281	119,200	116,829	74,283	64,866	19,054	‖21,424	3 $2\frac{1}{4}$	3 8
		Totals...	707,089	121,733	111,707	475,868	502,954	390,179	384,068	76,857	74,536	3 $2\frac{3}{4}$	2 $11\frac{1}{2}$

* Includes the urban district of Llangefni which was created in 1890 and had in 1891 an area of 2,506 acres and a population of 1,624.

† Includes the borough of Llanfyllin (which became an urban district by its incorporation as a municipal borough in 1885), and part of the borough of Welshpool which between them had in 1891 an area of 12,439 acres and a population of 2,703.

‡ This sum excludes a small amount raised as general district rate in part of a parish, and probably excludes a small amount raised in that part for municipal purposes.

§ Includes the borough of Monmouth and the urban district of Coleford, the area of which in 1891 was 7,076 acres, and their population 7920.

‖ This sum probably excludes a small amount raised for municipal purposes in part of a parish.

On this ground the Commission has abstained from expressing any opinion as to the re-adjustment of taxation—a course which, however, differs from that adopted by the Royal Commission on Agriculture, whose recommendations formed the basis of the Agricultural Rating Act of this year. But a large mass of evidence was nevertheless tendered on the point, and the majority of agriculturists appear to be under the impression that land is over burdened—or, at all events, was so prior to the recent Act. A suggestion which many witnesses appeared to favour was that the poor should be maintained out of an Imperial levy and not from local rates, while others (such as Col. Hughes, the Wynnstay agent) were inclined to urge that roads and highways should be maintained wholly by Government out of the Imperial Exchequer.

Suggestions by witnesses.

Among the most well-considered opinions on this question appears that of Sir Joseph Bailey, of Glanusk, who expressed himself as follows :—

"I consider that the mode of collecting income-tax, Schedules A. and B., on land is not fair. It is collected on the gross income; while proprietors of railway and other property are allowed to deduct all outgoings and pay only on the net cash paid into bank. An owner of land is charged on the full rental, though he seldom receives more than three-quarters of that income. It has happened to me in two succeeding half-years that the sum spent on my estates in Breconshire and Radnorshire for repairs, new work, &c., was as much as the entire rental. I had, nevertheless, to pay income-tax on the full amount, approximating to £20,000. Schedule B.—This taxation is reflected on the tenant farmer, because his income-tax is calculated on the same basis as that of the landowner, though it differs in amount. Local rates press more heavily on the classes who live by agriculture than upon other people. A general rate upon all property is, in my judgment, as one who has had a good deal of political experience, absolutely impracticable, but the Exchequer contribution might be further increased for main roads, highways, and education. The Poor Law requires re-consideration, both in the interests of the ratepayer and of the aged poor, and the police should perhaps be made one body and a national charge. The excessive charge for rates on poor districts with dense population might be alleviated by enlarging the area of taxation, if that could be managed without encouraging extravagance."

Lord Stanley, of Alderley, suggested that Schedule B. should be altogether abolished—a course which would be very acceptable to the Board of Inland Revenue. Another witness referred to the fact that cottagers have frequently to pay a heavy quota of land tax. No reference is made to the proposal for Tithe Redemption which is apparently so popular among many English landowners.

The Commissioners recommend that an inquiry, by a Royal Commission or otherwise, be made into the whole subject—a suggestion which, so far as local taxation is concerned, was put into effect prior to the issue of their

Report by the appointment of Lord Balfour of Burleigh's Royal Commission on the Incidence of Local Taxation, which has been charged with the duty of "inquiring into the present system under which taxation is raised for local purposes, and of reporting whether and how far all kinds of real and personal property contribute equitably to such taxation; and, if not, what alterations in the law are desirable in order to secure that result."

CHAPTER VI.

THE ECONOMIC RELATION BETWEEN LANDLORD AND TENANT.

1.—THE PARTNERSHIP OF LANDLORD AND TENANT IN THE BUSINESS OF FARMING.

The Relation of Landlord and Tenant—what is it according to political economy?

The preceding chapters have been devoted to a consideration of the relation of landlord and tenant—*first*, in its more general aspects, and, *secondly*, in the stricter legal sense. But this relationship has next to be considered from the economic or business point of view, and here the Commissioners' analysis of the existing system revolves largely round the question of rent, and its relation to improvements.

The subject is dealt with in its economic aspect in two separate parts of the Report, viz., in connection with estate management (at pp. 262-273), and more fully among the recommendations of the Majority (at pp. 879-896), while the more concrete facts and statistics as to variations in rent, &c., are given at great length in still another connection (viz., at p. 361 *et seq*).

The economic question shall first be dealt with here. Briefly put, the view expressed in the General Report (p. 262) is that from the political economist's point of view, landlord and tenant are joint partners in a commercial undertaking—the landlord being in fact as much engaged in the business of farming as the tenant, though the fact is obscured by the use of the ambiguous term "rent."

A joint partnership in a commercial undertaking.

When the landlord spends money on improvements he is simply investing money in the joint concern and expects interest on his outlay—or speaking more correctly "profit" from the undertaking. So long as the business pays, all may go well, but when it does not—in other words, when depression comes, how is the loss to be borne? Is the landlord still to receive interest on his outlay, or should the tenant, as being the partner who runs the greater risk, have the prior claim to interest on his capital? This brief summary will enable the reader to understand more clearly why so much prominence is given in the Report to what may appear as an academic discussion of the principles of political

economy, and he will also perhaps be better able to follow the more detailed explanation of the whole argument which we have just outlined, and which we now proceed to quote.

"We find that in Wales, as in England, the method *theoretically* in use may be thus described: The estate owner provides the farm-house and requisite buildings, makes the necessary fences, roads, and permanent improvements. The tenant does the haulage of materials, provides the necessary tools and implements, stocks the farm and finds seeds, manure, and so forth, and engages and pays for the labour required from day to day on the farm for the continuous operations of agriculture." That is the theory which best explains the *present* system though (1) it may not have been applicable to Wales prior to this century, and (2) is even now subject to "considerable variation in practice."

This fact obscured by the use of the term "rent" in two senses.

"The effect of this system is obviously that the estate owner becomes a partner in the business of agriculture," but this—the true economic aspect—is obscured by the use of ambiguous terms such as "rent" and "capital."

"Rent," strictly speaking, *i.e.* "economic rent," means the money payment made by a tenant to the owner for the use of a natural agent of production, or, to employ a well-known phrase, "the use of the natural and indestructible properties of the soil." In common parlance, however, rent means the periodical payment made by a tenant to his landlord; but this amount is really not simply "rent" in the economic sense, it includes the interest or profit on the capital invested by the landlord on the land. Hence the ambiguity referred to.

To further explain the position, the Commissioners put this hypothetical case: A person buys an estate of 1,000 acres of land upon which there are no buildings or fences, and which is in wild, waste, virgin condition—in fact is "prairie land."

How is he to get any profit out of his bargain while retaining his ownership? He may adopt one of 3 courses:—

(1) He may let the land as it is, without himself doing anything to it, but leaving his tenant to erect what buildings, and make what improvements he may deem necessary; whatever payment he therefore receives for the land under such conditions is "economic rent;"

or (2) He may farm the 1,000 acres himself, *i.e.*, provide all the necessary capital and labour;

or (3) He may adopt a middle course: he may provide some of the capital and labour, and others may provide the rest of the capital and labour. There are no instances

of the first in Wales; the second is the method of the small occupying freeholders and of landlords who cultivate home farms, but no large Welsh estate—owners carry on their whole estate on that plan, so that the system which chiefly prevails in Wales is the third.

"The universal method is that of apportioning the estate into holdings of varying sizes, and letting them to tenants upon different terms and conditions, with farm buildings and all the appurtenances in a state suitable (or assumed to be suitable) for the proper and profitable cultivation or user of the land, or, to put the matter in another way, the holding or farm is let to any *new* tenant as a "going concern;" he finds the buildings erected, he pays the outgoing tenant for any stock, implements, or produce left upon the farm, and he finds any additional implements and stock that he may deem necessary for making his tenancy pay."

But in this hypothetical case, it is assumed (inasmuch as the landlord is dealing with a "prairie" area) that "the apportionment of the farms and the equipment of the holdings is a conscious or intentional act on the part of the owner performed at one time. But this theory does not square with the facts, because we are dealing, in Wales, with an area that has been occupied for many centuries and an economic situation which has not been produced at one time and by contemporaneous acts, but is the result of a series of independent acts, or a continuous and lengthy development." But even so, "the landowner who spends money upon buildings or permanent improvements (such as buildings) in accordance with the prevalent practice is, in fact, whether he realises it or not, putting capital into a business—he is becoming a partner with his own tenants— and the nature of the transaction is only hidden by the wrong use of terms, or by the survival of feudal sentiments as to the relation between landlord and tenant."

Money spent on improvements is capital put into the business.

But landlords are unconscious of this fact. Like Moliere's "Gentleman," who had been speaking prose all his lifetime, without knowing it, every Welsh landowner has been engaged in a speculative business without having ever realised the fact. It is not therefore to be inferred that they have thus laid out their money on improvements or (to use the Commissioners' expression) "embarked in business" from merely selfish motives, or as a result of profound calculation as to the course they should adopt.

But landlords unconscious of this fact.

"They have, in making expenditure upon their estates, in erecting new buildings or repairing old ones, been

actuated by several motives. They have felt that ' property had its duties as well as its rights ;' they have experienced some feeling of compunction at the wretched lives their tenants led in insanitary and inadequate houses; they have found a natural satisfaction in beautifying their estates, or at any rate in making the buildings compact and modern, in improving the fences, and in giving to their property a trim, neat, and " model" appearance. Most of them have become possessed of the estate on the death of a relative (generally near) and found the estate a " going concern," with the management of which they found it difficult to interfere without raising complications which would add to the troubles of life, and so have blindly or apathetically acquiesced in a method that has become traditional. Few, if any, have sat down and examined the situation *ab initio*, or exhaustively considered the first principles on which they should carry on the business of land-owning. They have been the obedient followers of the family solicitor and the family agent. They have, without independent investigation, upon their stepping into the places of their predecessors, allowed things to take their course. The improvement of the estate, meaning by that the erection of new buildings of better plan and the repair of old buildings, fences, roads, &c. (and in many cases drainage), has been held out as a desirable object."

The relation between landlord and tenant being economically a partnership—how should the profit and loss be divided?

Economically analysed, the relation of landlord and tenant is, therefore, a business partnership. Some owners, it is true, expend a larger proportion of the revenues in improving the estate than others—or, in other words, the ratio of the capital so put into the business to the total capitalised value of the estate in the market is very different in different cases ; but in spite of such variations, the relation is everywhere, in Wales, capable of the same analysis.

Having thus laid bare the very foundations of landownership and tenancy by means of what may appear as a purely academic disquisition, the Commissioners proceed to ask themselves two practical questions :—

(1). " Can we ascertain, with any approach to accuracy, the amounts contributed by the landlords on typical estates to the business of cultivating the estates during reasonably lengthy periods of time ?

If we can answer that question, then we are in a position to ask and answer the further question :

(2). Whether landowning carried on according to the method in vogue is or is not a paying business, and what portion of the rent is " economic rent " and what portion profit."

2.- *MONEY SPENT ON IMPROVEMENTS (OR PUT INTO THE PARTNERSHIP) BY LANDOWNERS.*

Extent of landlords' expenditure on improvements

The first question which is therefore asked is—what proportion to the rental have landowners spent in improvements? Statistics as to a number of estates are extracted from the evidence (page 266)—commencing with the estates of Sir Watkin W. Wynn, which are described as "not only very large, but admittedly among the best managed in Wales."

Colonel Hughes, the present chief agent, said :—

On the Wynnstay estates.

"It is claimed that the landlord receives his rent simply in respect of the land which he lets to the farmer. That is not so. The rent is only a moderate interest upon the amount of the owner's money that has been expended on the land and its maintenance, and I now submit figures showing the expenditure on buildings, fencing, and drainage only, on this property, during the last 32 years, an expenditure, absolutely necessary for the maintenance of the property in a condition to *produce the rental.*

"These figures have been extracted from the estate books at Wynnstay from 1862 to 1893, both years inclusive, and relate only to farm buildings and lands.

The following is a summary of the table he then produced :—

	£	s.	d.
Fencing, gates, wood, &c. ...	54,173	14	5
Building and repairs	216,731	2	6
Draining	24,328	15	4
Total for 32 years, 1862-93 (both inclusive)	295,233	12	3

or an average of £9,260 per annum.

The aggregate gross amounts of the farm and cottage rental during the same period amounted to £1,425,454, so that a little more than 20 per cent. of the gross rentals for 32 years has been spent on an average every year.

Having ascertained these facts the Commissioners are thereby "enabled to make with reasonable safety some practical comments" (pp. 268-9) :—

"Now in the light of what we have said above it is clear that the owners of the Wynnstay estates have invested in the business of farming the large amount of nearly £300,000 in 32 years, that is, on an average, about £10,000 a year.

Colonel Hughes makes this aspect of the operation more obvious still by his emphatic testimony to the following facts :—

'These figures show that buildings and repairs form the principal item of expenditure. This work is entirely done by the landlord with the exception of haulage for repairs. For new buildings and repairs to those inaccessible places the landlord pays the haulage, and for cottages he defrays the whole expense. No interest is charged on new buildings or repairs to new ones, and compensation is granted to any out-going tenant for haulage in carrying out repairs to buildings. Occasionally a temporary shed or Dutch barn is erected by a tenant, the landlord finding the materials. Fencing is a very expensive item on the estate, especially the post and wire fencing on the Welsh hills, which has been a regular outlay for nearly 30 years, and is admitted to be the greatest boon on hill sheep-walks.'

"Nothing can be plainer than that, in this estate of Wynnstay, the landlord is to all intents and purposes a partner with each of his tenants in an agricultural business.

Now the owners of Wynnstay since 1883 have allowed abatements of rent at the rate of 15 per cent., that is to say, the state of things has been so bad that in order to keep the business going they have had to return 15 per cent. of the profit which in a court of law they could have demanded from their partners. As a result of this, the average deduction from the gross rental for the six years ending 1893 has been no less than 41 per cent., and in arriving at that percentage nothing is deducted for management, insurance, taxes, or any other usual and necessary outgoings.

" Colonel Hughes, as we have seen, says the ' rent is only a moderate interest upon the amount of the owner's money that has been expended on the land and its maintenance.' Let us examine in what sense this is, in the Wynnstay case, true. Now if Colonel Hughes (and we understand him so) means interest in the true sense—(namely) that the owner of Wynnstay is receiving a share of profit of a joint industrial undertaking of owner and tenants—and if his statement thus construed is accurate, then we must conclude that rent, *i.e.*, true economic rent, has disappeared, unless, of course, we assume that Wynnstay has been continuously under-valued. Of course, in saying this, we are only referring to the economic rent from agricultural tenants, *i.e.*, occupying farmers carrying on the business with a view to profit. Taking then, according to this construction, the interest to be interest in this true sense, let us see how far and in what sense Colonel Hughes' statement is supported by the facts. He cannot refer simply to the amount expended and received in one year, for if so, even for the year 1893, the " interest" on the expenditure of £11,190 14s. 4d.

in that year works out at over 200 per cent. What he does mean is that if the capitalised value of every kind of improvement made on the soil by the owner (due allowance being made for the exhaustion of the capital by natural decay, &c.) be assessed, then the actual revenue only represents a "moderate interest" (*i.e.*, fair share of profit) upon the total capital.

"Let us endeavour to determine what proportion of the net annual amount that goes into the pocket of the owner can be looked upon as economic rent and what proportion must be looked upon as interest or profit. To do this we must draw a distinction between the ownership of the land itself and the ownership of the buildings and other improvements made thereupon, and between their capitalised values respectively. The capitalised value of the buildings and improvements on, say, January 1st, 1893, represented the capital the owner of Wynnstay had put into or was using in the agricultural business. Now it is matter of extreme difficulty to determine the value of buildings and fences apart from the land or from the farm as a whole. Nor is the difficulty quite removed by making an estimate of the cost of constructing them all *de novo*, for the price of material and the cost of labour has varied greatly during the century. It is probably now more expensive to build than it was when the original buildings were erected.

"Following the method adopted by Mr. Addie in estimating the value of the buildings on the Powis Estate we get the following results:—

Estimated capitalised value of all improvements on the Wynnstay Estates.

"There are 728 holdings on the Wynnstay Estate, the tenants of which pay amounts varying from £10 to £600 a year. Let us assume that the average yearly value of the buildings as residences and warehouses is £20. Let us capitalise the value at, say, 25 years' purchase, a not excessive rate, as we judge, and the capitalised value of the 728 farm-houses, &c., comes to £364,000. No amount is here included for the value of the gates, fences, drains, or roads, *i.e.*, for the money sunk in making these improvements and not exhausted by decay. Let us approach the matter in another way to test this estimate. We know that in 1862 the estate was a "going concern"; that on these 728 holdings there were buildings in more or less habitable condition; and that nearly £300,000 has been spent in 32 years. We may safely infer that the cost of converting the area of the estate into its present condition certainly would not be less than £300,000, and as the value of the buildings, &c., as they were in 1862 would not (if no money had been spent

since 1862) have been wholly exhausted, something must be added for the unexhausted part of the capital value in 1862. On the whole, we feel that we are not overstating the value of the buildings and improvements effected by the owner's money at from £400,000 to £500,000. If at this moment the whole estate were prairie land, to get it into its present equipped condition would, we think, involve an expenditure of at least something between those sums, probably an amount nearer £500,000 than £400,000.

Now in the year ending December 31st, 1893, the owner's so-called rental was £45,458 19s. (say £45,500 for ease of calculation). He gave abatements of 15 per cent. to his tenants, and spent upon the estate (in order to keep it a going concern) a sum that, with the abatement percentage, reduced the gross rental by 41 per cent. From the gross rental must be further deducted the expenses of management, taxes, and other necessary outgoings. We shall not be far wrong if we estimate them at 9 per cent., and assume that the net amount received by the owner was 50 per cent. of the gross revenue, *i.e.*, about £22,750. Taking the capitalised value of the buildings, &c. at £400,000, this works out at about 6 per cent. per annum, or taking it at £500,000, at about 5 per cent.

How much of the landlord's receipts is 'economic rent' for unimproved soil—and how much interest on such capitalised values?

"'The rent,' said Colonel Hughes, 'is only a moderate interest upon the amount of the landlord's money that has been expended on the land and its maintenance.' We repeat, if the net revenue only amounts to a 'moderate interest,' the interest which a prudent capitalist embarking in a reasonable business might expect to receive, then no part of this £22,750 represents economic rent.

The question then narrows itself to this, is £5 or £6 per cent. the rate of profit which such a capitalist might expect to get from undertaking a business? We think not, for though in industrial and commercial operations of a highly speculative character, in the course of which the whole capital may be lost at once or rapidly, a capitalist may fairly look for an even higher rate of profit than £5 or £6 per cent., yet he cannot invest in any business in which risk is reduced to a minimum in the hope of so large a rate of profit. If the owner of Wynnstay had £400,000 to £500,000 to invest, there is no business in which he could join with only a degree of immunity from risk of losing his capital equal to that involved on investing in his own land which could produce nearly £5 or £6 per cent. per annum. Investment in a good railway company is very nearly as safe as investment in one's own property, yet first-class British railways only pay an average of £3 per cent. and a fraction on the present prices of their stock. "Consols" may be looked upon as the

standard of absolutely safe investment, and "Consols" pay at present prices only 2 per cent, and a fraction.

It seems, therefore, not justifiable to claim £6 per cent. or even £5 per cent., as a "moderate" interest on capital invested in buildings, &c., on one's own land, and if we take the investment in railway stock as a type of investment of about the same degree of risk as investing in one's own lands on the usual system, £3 per cent. is the proportion of the £6 or £5 per cent. which represents a "moderate" interest on the money sunk. If that be so, the remainder of the £6 or £5 per cent., *i.e.*, £3 per cent, or £2 per cent., must be looked upon as economic rent. Taking £6 per cent. as the total rate on the capital sunk in this estate, half of the net revenue (=moderate profit or interest on the capital) represents interest or profit, and the other half a true economic rent."

Fifty years' statistics for the Powis Estate.

Having thus examined the figures as to the Wynnstay estates, the Commissioners next take the statistics, covering a period of 51 years, furnished them by Mr. Forrester Addie as to the Earl of Powis's estate, which comprises some 45,000 acres, chiefly in Montgomeryshire. Mr. Addie summarised his figures as follows (p. 269) :—

Net rental, Lady Day 1840	£27,218
,, ,, ,, 1879	29,137
,, ,, ,, 1891	25,894
Permanent reduction of rental since 1879 ...	£3,243

	Per Cent. of Rental.
Taking the rental (less cottage rents of £5 and under) at £18,000—£3,243 permanent reduction = ...	18
Expenditure on permanent improvements = ...	23
	41
In addition to the above, 10 per cent. allowance has also been made in 1892-93	10
Total percentage of rental	51

Since 1886, in consequence of agricultural depression, there has been expended—

In draining, without charging interest to tenants	£9,491
In bones and permanent grass seeds	2,642
	£12,133

The following further summary gives the total rental and expenditure from Lady Day 1840 to Lady Day 1891 :—

Years.*	Net Rental.	New Buildings and Repairs.	Draining.	Fencing.
	£	£	£	£
1840—1849...	272,586	29,354	4,745	2,407
1849—1859...	264,642	40,199	8,701	3,843
1859—1869...	283,685	46,588	16,640	3,937
1869—1879...	293,348	62,889	16,110	2,806
1879—1889...	269,884	53,702	16,114	6,746
1889—'90...	26,034	5,800	1,359	698
1890—'91...	25,894	4,177	1,136	786
Total	1,436,073	242,709	64,805	21,223
		328,737		

* The years are counted from Lady Day to Lady Day.

"Mr. Addie uses the term "net" rental, but we gather [the Report says] that by it he meant not the amount actually received by the landlord after deducting all out-goings necessary to keep the estate a "going concern," but the actual rent paid (after deducting any permanent reductions or abatements). Taking that to be so the figures work out thus : the total amount spent on buildings and permanent improvements from 1840 to 1891 (*i.e.*, 51 years) was £328,737 on a rental of £1,436,073, that is a percentage of 'little less than 25 per cent.'"

Examining these figures on the same lines as the previous analysis of the Wynnstay figures, the Commissioners then make the following observations (p. 270) :—

Capitalised value of all improvements on Powis Estate.

"Mr. Forrester Addie estimates the value of the buildings alone on the 750 holdings forming the agricultural estate at £225,000. Seeing that since 1840, £328,737 has been spent on those buildings, and on fences, drainage, &c., the total capitalised value of the buildings and the other artificial adjuncts of the farms must, on a most moderate estimate, have been, on January 1891, £300,000, that is, it would take at least that sum to convert the area of the holdings (if that area were now prairie land) into the present state of things. Now the rental for 1891 was £25,984, say £26,000, and to arrive at the net income we must deduct 10 per cent. for abatements, 23 per cent. for the expenditure on buildings, &c., and, say 10 per cent. for expenses of management and other outgoings, *i.e.*, 43 per cent. Deducting the amount of this percentage (=say, £11,200) from £26,000, we find the net income was about £14,800, say £15,000.

The owner of the Powis Estate in 1891 therefore received a sum of £15,000, upon a capital invested in the land of £300,000. To find what proportion of this was interest or profit in the business as distinct from economic rent, we must, as before, look on the amount in the first place

as interest on the £300,000. This works out at 5 per cent., and if we take 3 per cent. as a fair business return on the £300,000. then 2 per cent. of the £15,000 represents economic rent, or, to put it another way, 2-5ths of the net annual income for 1891 was economic rent.

Lord Penrhyn's Estate.

Col. Sackville-West, the agent on Lord Penrhyn's estate, said that in the period from 1867 to 1892, *i.e.*, 26 years, a sum of £129,207 15s. 8d. had been spent on repairs and improvements on the estate generally, and £47,993 on workmen's cottages, making a total of £177,200 15s. 8d. He added that during the last six years £29,214 had been spent on farms and £13,007 10s. 1d. been returned in cash abatements. The term workmen's cottages is ambiguous, for it may apply to cottages built for workmen in the slate industry as well as to agricultural labourers, so we will leave the amount expended for that purpose out of the calculation. Now the gross agricultural rent of the estate was, during the years in question, about £21,000. If so, the total rent for 26 years was £546,000, and nearly one-third of the gross rental for those years has been spent in repairs and improvements. Or. taking the last six years as an average period, we find that close on £30,000 were spent in that time, *i.e.*, about £5,000 per annum. The gross rental per annum being £21,000, the proportion spent on repairs and improvements comes to nearly one-fourth, *i.e.*, 25 per cent. per annum.

Exceptional expenditure on the estates of

The expenditure on at least 3 estates in North Wales appears to be exceptional, chiefly on account of the necessity of erecting new farm buildings over almost the whole estate.

1. Garthmeilio

1. The Garthmeilio estate of Col. Lynes, who came into possession in 1886: during the following 5 years he received by way of rent £8,523 18s. 9d., and the amount actually spent on improvements during the same time came to £4,815 7s. 3d., *i.e.*, more than 50 per cent. of the gross rental. The buildings on the estate had, however, been permitted to fall into a very bad state of repair prior to 1886, so that a large proportion of the expenditure was on making new buildings.

2. Hafodunos.

2. The Hafodunos estate, also in West Denbighshire, was bought some 60 years ago, and deducting permanent reductions which had been made since 1883, the gross rental in 1893 (excluding temporary abatements) was £3,000. The total amount spent on the estate since its purchase was estimated at £100,000, of which the following account was given :—

"Every farmstead has been entirely rebuilt or large additions made to the existing buildings. All wet land has been drained. 300 acres of plantations made for shelter, which have softened and improved the climate. 100 miles of old banks and hedges have been pulled down and grubbed up, and the fields remodelled, and new quick fences made, mostly planted and protected at the landlord's expense; but in all cases the landlord has provided the quicks, also posts and wire to protect the hedges until grown. Watercourses and ditches have been made and paved, and much land from waste common turned into good sound arable land. I should like to mention that 16 miles of road from Abergele to Llanrwst was made entirely at Mr. Sandbach's expense, at a cost of over £12,000; it was made under a public Act, but he found the money for it."

With reference to this statement of the Estate Agent, the Commissioners say :—"Now, if we assume, for ease of

calculation, the rent has been constant at £3,500 per annum for 60 years, the total amount received as rent since the purchase has been £210,000. Taking the estimated amount as the actual expenditure on the estate, it follows that nearly one-half of the rent has, on an average, been spent in improvements alone.

3. Halkyn Castle.

3. "The most remarkable case in this regard that came under our notice was the Duke of Westminster's Halkyn Castle estate, for we were informed most emphatically by the Duke's then agent, the late Mr. Henry, that for many years more money has been spent upon this estate for repairs and improvements than the estate produced in rental; and that if the proprietor had had no other means, there would have been nothing for himself and his family.

With this case may be mentioned that of another estate —the Llannerch Estate (Sir George Cayley's)—as to which Major Birch stated that before 1878 more than the whole income was spent for wages and materials for improvements and repairs, and that that went on for 12 or 13 years. Since 1886, an average of £865 has been paid for wages and materials on a rental of £2,632, *i.e.*, about 33.3 per cent."

Other North Wales estates.

Summarising the Commissioners' observations with reference to other estates, we find the following results:—On the Voelas and Cefnamwlch estates of Col. Wynne Finch nearly one-fourth of the gross rental (about £7,800) was spent "on new buildings, on woods and plantations, drains, roads, and fences," in 1892, that, however, being the year in which the expenditure was greatest.

If other necessary outgoings (tithe, taxes, rates, annuities, subscriptions, &c.) be taken into account, then the net amount received by the owner for the same year was £3,847—less than one-half the gross rental.

The agricultural rental of the Gwydyr Estate of Lord Ancaster has averaged about £6,500 a year for the last 21 years (or in the aggregate £136,500), and during the same time £40,460 was expended on new buildings and repairs—an amount a little less than one-third of the gross rental.

The abatements since 1879 have varied from 10 to 20 per cent., so that the proportion of the amount spent on improvements to the rent actually received is considerably higher than one-third.

The expenditure on improvements on the Rhiwlas Estate (Mr. R. J. Ll. Price), averaged during the 10 years from 1883 to 1893 about 25 per cent. of the gross rental; on Lord Kenyon's Estate it amounted to $12\frac{1}{2}$ per cent. between 1887 and 1893; about 27 per cent. on the late

Rev. Sir T. H. G. Puleston's Estate; and 32 per cent. during the 6½ years before 1894 on the Hanmer Estate.

Similar statistics for estates in South Wales.

With reference to estates in South Wales, the following are the results of the Commissioners' analysis of the evidence on this point :—

Earl Dunraven's

"Mr. Randall, the agent of the Earl of Dunraven (owner of 24,000 acres), informed us that the agricultural rental of the estate is £10,000, and that about £100,000 had been spent in the last 40 years upon repairs and improvements by the owners. In reference to the last 21 years, during which Lord Dunraven has been in possession, he said that the amount spent on improvements and repairs was £58,000, which represents an average expenditure of £2,750 per annum, that is about 27½ per cent. of the gross rental."

Mr. Lort Phillips' and other estates.

The percentage of the gross rental spent in improvements were about 16·6 per cent. during the 18 years from 1876 to 1893 on Mr. Lort Phillips' Pembrokeshire estate (the buildings on which were, however, in a very dilapidated condition when the present owner came into possession); a little under 7 per cent. during the nine years preceding 1894 on the Ffynone estate (no new buildings having been erected during that time); from 10 to 15 per cent.—spent on mere repairs—for many years past on Lord Llangattock's estate; about 18 per cent. (repairs, &c., excluding cost of drainage) on Lord Dynevor's estates; nearly 33⅓ per cent. (upon buildings and drainage) during 22 years on the Peterwell estate of Mr. J. C. Harford; 20 per cent. during the last 25 years on Earl Lisburne's estate in North Cardiganshire; and 25 per cent. on Lord Ormathwaite's estate in Radnorshire.

Importance of this economic analysis.

By means of copious extracts and occasional comment, we have now endeavoured to place before the reader the Commissioners' analysis of the economic relation of landlord and tenant. This view, be it observed, is put forward by all the Commissioners in their General Report, but the Minority, in their Separate Report do not use it as the basis for any argument or recommendation of their own. On the other hand it is not too much to say that it is the very foundation on which a large part of the arguments of the Majority, especially as to the necessity for fixing fair rents, is based.

While the Commissioners were therefore unanimous in their statement of the facts and their analysis of the present state of things from the economic point of view, it was as to the conclusions to be drawn therefrom, and the recommendations thereby necessitated, that their opinions differed.

The importance of the foregoing analysis as a part of the case of the Majority, so to speak, may be further inferred from

the fact that the principal points observed in the economic relation of landlord and tenant from year to year are re-stated with greater detail in the Majority Report, where their further exposition occupies close upon 20 pages. To save similar repetition on our part, it may be convenient to quote here, in conclusion, some of the observations of the Majority, provided the reader will bear in mind that it is from the Majority (and not the General) Report (p. 881 *et seq.*) that the following quotations are taken :—

Conclusions.

"It follows from our description that, economically, landlord and tenant are partners in the business of production. It is perfectly true that the legal tenancy from year to year is not, in the ordinary lawyer's acceptation, a contract of partnership, but falls under quite a different division of jurisprudence. Seeing, however, that both parties to this contract are, in different and continually varying proportions, contributing capital to a business adventure carried on for the sake of profit, it follows that the economic effect—the actual practical effect—is to make the parties to the arrangement partners. This fact is, of course, obscured by the inequality in the social position of landlord and tenant, by traditional sentiment, and by the use of habitual terms like 'rent,' which are of ambiguous significance, but which have been employed for long periods."

"If a landowner expends money on the improvement of his estate, he is, so far as he is acting under rigid economic impulses, undertaking a business, just as if he were investing his money in manufacturing operations. The main difference between the investment of capital in agriculture and in other industries is to be found in the immobility of capital when invested in land, a difference, it will be observed, not of kind, but of degree. We have pointed out that, in fact, landlords have often invested money in improving their estates from motives not entirely of a selfish, but often of a generous kind. This must not, however, blind us to the economic character of their line of action, and it is only right to assume that competent landlords and agents have fully understood the nature of the risk that was being run, and that while in one sense the investment is a very secure one in a civilised country, yet it is one subject to great or even total loss in case the operation has been entered upon ill-advisedly. One other remark we must make here, that a landlord does not appear to us to have any necessary claim to gratitude because he develops his estate. More than one witness referred to the large sums that he had been expending, or that his ancestors had been expending, upon their estates, in terms which indicated that

there was some exceptional virtue in this conduct. So far as the action of such landlords increases the comfort of their tenants they are entitled to a meed of praise, but we must respectfully point out that such expenditure, unless merely wasteful, is absolutely necessary to keep the estate a going concern in accordance with the ordinary system ; or, in other words, necessary to create the rent or periodical payments out of which the expenditure required in each year is usually met."

The foregoing additional observations from the Majority Report are only detailed re-statements of the economic analysis made by all the Commissioners in their General Report. They contain no proposition which is not contained in the latter, and we may therefore assume that, so far at all events as we have quoted, they are to be included among those parts of the Majority Report which the Minority have adopted in general terms—but not signed.

Questions suggested by this analysis.

But suppose, say the Majority, the partnership or joint undertaking does not pay? Suppose that the landlord's partner (that is, the tenant) fails to secure a return on his own money, should the landlord then continue to draw and receive interest on his outlay? Could he in any ordinary commercial transaction expect it? These are the questions which, in effect, the Majority proceed to ask. It is as to the answer to be given to these questions that the Commissioners part company.

What that reply is shall be dealt with at length when we come to consider the recommendations made by the Commission.

3.—THE HISTORY OF A TYPICAL ESTATE.

How far tenants contribute to the partnership.

Having now shown—such is the argument in the Report—that the relation between landlord and tenant is, from the strictly economic standpoint, a partnership or joint undertaking, and having also shown to what extent the landowner or the "predominant partner" (the term is our own and not the Commissioners) has put money into that partnership in the form of expenditure on improvements, &c., two further points remain to be considered, namely (1) to what extent does the other partner (the tenant) contribute to the undertaking, and (2) How is the profit and loss of the concern shared by the respective partners.

The evidence which furnishes the material for answering these questions is analysed in the chapter on "Rent," which is the lengthiest in the Report, extending altogether to more

than 100 pages (pp. 361—470). We shall endeavour briefly to reproduce its more salient points within the much smaller space at our disposal in this work.

As to the question of the tenants' contribution towards improvements, it has already been shown (p. 116) that under the leasehold system, which largely prevailed down to the first half of this century, the tenant was entirely responsible for all buildings, repairs, and permanent improvements generally; but with the substitution of yearly for leasehold tenancies, landowners, however, assumed this responsibility themselves, and some of the figures as to expenditure which have been given in the preceding section may have been considerably inflated owing to the fact that they represent outlays incurred by landowners when the old leases fell in and the buildings were found to be in a dilapidated condition through the tenants' neglect of their duty.

Tenants effected almost all improvements under leasehold system.

This appears to be the general view adopted in the Report: whether it is historically accurate or not will be for future inquirers to say,—we are only concerned with its explanation. But in order to make their view clearer the Commissioners proceed to quote "the evidence relative to some one estate, the history of which may be regarded as fairly representative of many other properties."

The change to the yearly system illustrated in the case of the Edwinsford Estate.

The property selected for the purpose is the Edwinsford estate in North Carmarthenshire, owing, first, to the fact that it is regarded as "a fairly typical property," and, secondly, that the evidence given with reference to it is said to be "perhaps the best continuous account," received by the Commission "of the management and development of an estate during this century." The evidence in question was given by Mr. D. Long Price, of Talley (chiefly at Qu. 42,256), in whose family the management of the estate has been from the latter part of the last century till the end of 1889. We shall follow the Report (p. 387) by quoting his statement at length :—

"Previous to 1829 (when Sir James Williams, grandfather of the present owner), succeeded to the estate, the rents of the estate were very unequal, many farms being let at very trifling rents, while a considerable number of the larger farms were let on leases for three lives at 'war prices,' the rents being substantially at the same mark as they are now. The effect of these leases was disastrous, as when they fell in from time time the buildings were, with one or two exceptions, simply in ruins, and required to be and were entirely re-built. On the accession of the late Sir James Williams, in 1829, the rents were re-adjusted on a valuation made in 1830 by the late Mr. D. Jones Lewis, of Gilfach. Dairying was then one of the principal resources of the farmers in this part of the country, and one of the bases of Mr. Lewis' valuation was that a lb. of butter and a lb. of cheese should produce one shilling. The buildings on the estates generally were then of the poorest character, being almost all

straw-thatched, which thatch was kept up by the tenants. On the accession of Sir James Williams he at once commenced rebuilding, and very large sums were laid out year by year continuously until his death in 1861, a period of 32 years. During the same period he continuously employed a head drainer with three or four assistant labourers in draining. All these works of building and draining where done wholly at his expense, except that the tenants did the haulage without payment beyond an allowance for their expenses when their teams were from home. No interest was charged on any of these outlays, nor has any been charged on the subsequent outlays for both building and draining, except some trifling sums in draining in the last three and four years of Sir James Williams' life, and which interest ceased on Lewis and Morgan's valuation coming into effect. Prior to this valuation the tenants were obliged under their agreements to deliver at Edwinsford certain specified 'duty' payments of coal, lime, and poultry, and they were also bound to grind all their corn at the estate mills. These duties and obligations were also abolished at Lewis and Morgan's valuation. On the death of Sir James Williams in 1861, the estates, then under my management, were valued by Messrs. Frederick Lewis and William Morgan. This valuation was modified in several instances by me, but it was considered to be unequal, and in 1877-8, on the occasion of Sir James Drummond attaining his majority, I valued the estates myself. I did not interfere with Messrs. Lewis and Morgans's valuation in a large number of instances, but I reduced their figures in some and increased them in others, the net result being a small increase. At the time I valued the estates in 1877-8, the values of farming produce were almost, if not quite, at the highest point they have ever reached, and were greatly higher than when Lewis and Morgan valued in 1862. From that time up to the date of my ceasing to act as agent for the estates in 1889, I reduced several of the rents, and I am informed that some small reductions have since been made. Subsequent to 1861, considerable outlying portions of the estates were sold, and other lands of large extent from time to time bought. The rents of these purchased estates were fixed by valuation at the time of their acquisition and practically remain unchanged, or if changed, I believe the change has been always in reduction. I have gone carefully through the estate documents, and I have compared the present rentals of the original portion—the main portion—of the estates with those fixed in 1830-1. The figures show as the ultimate result of the two last valuations an increase in the rentals of the lands in the parish of Caio of about 17½ per cent., the lands in the parish of Llansawel of about 17½ per cent., the lands in the parish of Talley of about 17½ per cent., giving a general—almost equal—average increase in each parish."

Summary of the results of each valuation.

Mr. Long Price also produced a comparative table of rentals showing for each holding : (*a*) the old rents before 1861, (*b*) rents as fixed after the valuation of 1861-2, and (*c*) rents as fixed after the valuation of 1877-8.

With reference to his evidence and tables the Commissioners say :—

"The whole of the Edwinsford Estate has been systematically valued for the purposes of rental at least three times during the present century, viz., about 1831, 1861, and 1877-8. What the rents were *before* the first valuation we were not informed, so that we cannot say what its result was on the total rental."

As to the 2nd and 3rd valuations, their results may be seen from the following table extracted from the report.

PERCENTAGE OF INCREASE OF RENTS ON THE OLD PORTION OF THE EDWINSFORD ESTATE.

Parish.	1831---1861.	1862---1878.	1831---1878.
Llansawel	+ 14·6	+ 2·1	+ 17·1
Talley	+ 8·0	+ 7·7	+ 16·3
Conwil Gaio	+ 10·2	+ 5·0	+ 15·6
Total	+ 10·1	+ 5.6	+ 16·3

Purchased holdings dealt with differently.

But the foregoing figures are applicable to those holdings only which formed part of the estate both in 1830 and 1894, that is, the permanent portion of the estate. A considerable change had, however, occurred in the parcels constituting the estate between 1861 and 1894, some holdings being bought and others sold. The rents of the purchased farms were fixed after their purchase on the basis of a special valuation, and it was stated that these had ever since remained unchanged, "except where they have been occasionally reduced," and therefore they are not included in the preceding comparative statement. Unfortunately we were not told how much higher was the rent fixed after the sale than that existing previously, but the former agent spoke, in general terms, of 'the very great increase in the rents of the purchased estates,' and said that several of the farms which had been quoted to us as being raised very heavily 'were bought for enormous prices when they were let at very low rents, and in many instances the rents were doubled."

Two instances illustrating this increase after purchase in the case of adjoining farms are then quoted from the evidence, and they may be taken as corroborating the view that there was "a very great increase" in the rents of purchased holdings. But recurring to the figures as to the original portion of the estate, the Commissioners give "a few examples from among the holdings that formed part of the estate in 1830."

"Ty howel, in the parish of Talley, had its rent fixed at £29 by the valuation of 1831; it is now £50.

'That farm,' the former agent stated, 'was one of the farms on which the old leases existed. The old lease expired in my time. The houses were absolutely ruinous. I pulled them down, and rebuilt the whole homestead, including house, barn, cow-house, stables, pig-styes, offices, new gardens, and yards, and everything else on an entirely new site, and if that was valued—I have not taken out the figures—but the amount expended on that farm could not have been less than £800.'

As we pointed out to the witness at the time, the advance in rent here was of the nature of interest charged in respect of the improvements effected by the landlord.

Among other farms which also belonged to the old estate were the following, whose rents were thus advanced:—

Gwnionlethri, from £26 to £42; Blaenig, from £29 to £38; Tynycwm, from £80 to £98 (several acres being taken away); and Gelligoedog, all in the parish of Talley, from £80 to £90."

After quoting some general statistics as to farms in the parish of Cayo, the Commissioners sum up in these words:

Deductions from the history of the Edwinsford Estate.

"So far as the evidence for this estate is therefore concerned, we find that the advances which occurred in the rents were associated with either of two events:—first, they were in consequence of new buildings, or other extensive permanent improvements; or, secondly, they followed after the acquisition of the holding by purchase, when the new rent was made to bear some relation to the amount of the purchase money, which, in many cases, was an 'enormous price.'

The evidence which we have quoted also indicates the time when, on this estate, the landlord took on himself the responsibility of the buildings, which under the old *régime* fell entirely on the tenant. The work of rebuilding was said to commence in 1831, and was carried on steadily during the next 30 years. The tenants did all the haulage, but the landlord bore all the other expense. No interest, as such, was charged on the outlay, but, as was shown in the case of Ty howel and in other instances not quoted here, the increase in the rent followed such expenditure in point of time, and was probably made in direct consequence of it."

After giving this typical instance, the Commissioners then proceed to consider, county by county, the evidence as to changes in rentals, but occasionally grouping 2 or 3 counties together, where the unity of their history enables such treatment. The system of grouping which will, however, be adopted in this Digest will be the following:—

Western Counties.

1. South Western Counties: Carmarthen, Cardigan, and Pembroke.

2. North Western Counties: Anglesey, Carnarvon, and Merioneth.

Eastern or Border Counties.

3. North Eastern Counties: Denbigh, Flint, and Montgomery.

4. South Eastern Counties: Glamorgan, Monmouth, Brecon, and Radnor.

CHAPTER VII.

THE HISTORY OF WELSH RENTALS.

1.—RENTS IN SOUTH WEST WALES (CARMARTHEN, CARDIGAN, AND PEMBROKE).

Rents revised on the expiration of old leases.

The case of the Edwinsford estate, cited in the preceding chapter, serve to illustrate the process of revising rents on the expiration of the old leases, and the consequent change as to liability for permanent improvements. The case has been cited on the ground that it is a typical one, but it may be desirable to quote from the Report (p. 405-6) a few other instances referring to individual holdings in various other parts of South-West Wales.

Mr. Rule Owen, speaking with particular knowledge of South Pembrokeshire,* said that in individual cases rents had been raised where old leases had expired, or where new tenancies had been created in the more prosperous times, though in many properties which he had to deal with the rents were nearly approximate to those that existed in the time of the tithe commutation.

In the case of an old lease on South Hills Farm, between Haverfordwest and Milford, the rent had gone up on the expiration of the old lease (about 40 years) from £28 to £108.

The Reverend Canon Allen,† who owns a small estate of some 500 acres in the neighbourhood of Narberth, said that one of the farms he had inherited was held under a lease for three lives, granted about 1780, at a rental of £50, the tenant being liable for all the repairs, the landlord supplying timber. The lease terminated about 1850, when the rent was raised to £70, and subsequently, some 12 or 14 years ago, to £80, the landlord undertaking all the permanent repairs.

On the Picton Castle Estate, a farm called Manarddwylan,‡ near St. Clears, was formerly let at the annual rent of £50, under a life lease which expired about 1865. It was then re-let at £110 per annum, on a lease for 21 years, which ran out in 1886. According to a fresh agreement, made in

* Qu. 30,308. † Qu. 29,516, 29,541. 39,563. ‡ Qu. 41,240, 41,340.

September, 1892, the rent was put at £121 10s. The buildings were admitted to be in a very bad repair, and the farm had been in the market for several years.

Instances from South Pembrokeshire.

Some authentic instances of rents being traced back for considerably over 100 years were given us by Mr. T. John, of Cresselly, Pembroke,* who made the following statement :—

"My family have occupied the same land for nearly two centuries. I have a deed in my possession showing that my great-grandfather took a lease on his farm in 1756, at £58 a year. This expired in 1818, when above 10 acres of land were taken out, the rent was raised, and a new lease granted at £143 10s. and 'custom fowls.' This expired in 1862, when there was a re-arrangement of the land, adding at the valuation then made £20 a year value to the farm, when the rent was fixed at £240 ; at the death of my uncle in 1869 it was raised to my mother to £260, and a few years later to £280. My great-grandfather took a lease of the adjoining farm in 1785 at £55, 10 bushel of oats and "custom fowls." Although a lease for lives, it lasted 91 years. At its expiration in 1876 the rent was advanced to £135. My grandfather held another small holding on lease at £14 a year and custom fowls, which is now let at £29."

This evidence is also valuable as corroborating the conclusion arrived at and stated earlier, that the leases for lives were generally unaccompanied with fines. Here it is clear that the earliest rents were rack rents in each of the cases given. Still more remarkable evidence was given as to a holding called Treriffith, Moelgrove, in North Pembrokeshire.† The tenant, Mr. E. C. Phillips, said he had leases in his possession showing that his family had occupied this holding since the 13th century. The rent reserved by the first lease was about £10, by his grandfather's lease it was £25 ; the present rent under a yearly tenancy is £190. So far as the witness was aware there were no fines payable in connexion with the old leases.

Instances from South Cardiganshire.

"Dr. D. R. Jones, of Cardiff, gave us some interesting evidence as to his ancestors' tenancy of a small holding called Ffynonwen, in the parish of Llangunllo, on the Bronwydd Estate in South Cardiganshire. His great-grandfather (Rees Jones) originally leased the farm between 1760 and 1770 :—

'I am certain I heard from my father that the first rent was £14 per year. I believe there were two short leases of seven and 14 years respectively, the second one at some

* Qu. 73,552 ; *see also* 72,560-8. † Qu. 32,955, *et seq.*

increase of rent. In those days there were only two small fields enclosed, as shown in that plan. All the rest of the land was open, and full of gorse, brambles, and ferns.' In 1785 a lease for three lives (a copy of which was produced to us) was granted to the tenant at a yearly rent of £25. This determined (and was not renewed) in 1832 when the rent was raised to £76, and a small plot valued at £8 a year being added to the original holding, the rent was fixed at £84. Between 1850 and 1860 it rose to £88; about 1871, when the estate was re-valued, its valuation amounted to £112, but 'Sir Thomas was then kind enough, on account of my father's long tenancy, not to demand more than £104,' said Dr. Jones, who also mentioned that discounts or abatements had been granted several times between 1850 and 1853.

"Dr. Enoch Davies gave us the following instances in the neighbourhood of Newcastle Emlyn:—

'On the Bronwydd Estate there is a farm named Bryngwyn. The lease expired some 40 years ago. I am not in a position to say the date of the lease; previous to its expiration the rent was £25 a year. Then the farm was divided, the rent of the two portions amounted to £70. Now it is £86, an increase since the lease was granted of 244 per cent. A great-grandfather of mine leased a farm called Blaenythan, on the Pentre Estate, about 1808. I am not sure of the date—I heard my father say it many times; but I know the rent—£71 per annum. The lease has expired, and the rent is now £146 10s. per annum, an increase of 105 per cent. Then there was Penallt, £80, 62 years ago, now £170, or an increase of £112 per cent.'

"In the neighbourhood of Aberayron, a farm of 169 acres called Cilfforch, on the Monachdy Estate, was held at the rent of £30 a year, on a lease for lives which expired in 1875. The rent was thereupon raised to £140, but has since been reduced to about £90.

"Mr. Nathaniel Williams, of Talardd, Llandilo, gave us an account of the rents of three adjoining farms in the district of Gwynfe. The three were let, about 1790, on leases for lives which expired between 1860 and 1870. The rent of one of those (Blaenllanan) was £34, but at the termination of the lease it was raised to £90; the rent of the second (Ddyfadfa uchaf) was £36, it was raised to £120, but is now £100; the third was raised from £26 to £48. 'On the three farms,' Mr. Williams continued, 'the landlords did not spend one penny. The tenants made all improvements and repairs, the landlords granting rough timber for repairs.'

And North Carmarthenshire

'My grandfather, Morgan Williams of Brown Hill,' said Mr. W. Ll. Williams, 'held the farm of Ffrwd Wen, in the parish of Llandilo, on a lease about the year 1814. The rent paid by him was £35, but the present rent of the farm is between £70 and £80.' Subsequently witness's grandfather, in 1830, took Brown Hill Farm on the Abermarlais Estate, for which in 1850 he obtained a lease for three lives at £250 a year rent, which determined on his death in 1870. A new lease for 21 years, was then granted his son at the rent of £280, an increase of £30 on the old rental. Prior to the expiration of this lease the farm was revalued in 1890, and the rent was again fixed at £250.

Rise in rents of small holdings in North Cardiganshire.

"The gradual rise in the rental of land in the course of the last 100 years is also well illustrated by the history of a small holding on the estate of the Earl of Lisburne in the parish of Gwnnws, North Cardiganshire. "though in this case, it was not specifically stated that the holding was at first held under a lease" (p. 404). Mr. David Jenkins, who gave us this history, stated that his ancestors had lived on a holding called Cwm Meurig ucha for many generations, and that at one time its rent was reputed to have been only £3. In 1797 the rent was, however, £8 a year, but in 1826 it was advanced to £21. At first there were no fields formed, but the place was 'a desert, without any but natural boundaries.' The dwelling-house up to 1839 was the most primitive in type that we received any evidence of. In 1839 witness's grandfather built a new house, entirely at his own expense. He was also said to have made many improvements on the farm by fencing, draining, manuring and liming the land, the lime being carried a distance of 15 miles. In 1848 the tenant built a stable and a cowhouse at his own expense, receiving timber only from the landlord. In 1859 he built a second dwelling-house on the farm, again at his own expense, and returned to live in it while his son (witness's father) occupied the farmhouse proper. In the following year the rent was advanced by a new agent from £28 to £31. The son continued to carry out improvements, and 'brought the farm to such a condition that it was a model of what a farm on such high land ought to be.' In 1875 the rent was again raised by the present agent from £31 to £46, but the following year the tenant had to leave without any compensation on account of his catching rabbits. With reference to the case, Lord Lisburne's agent said that 'although he was a good tenant, Lord Lisburne decided to part with him, because he was right in the middle of his preserve lands.'

Somewhat similar was the account given with reference to a holding on the Gogerddan Estate by a witness from Talybont, near Aberystwyth.

'In 1820 my grandfather, R. Morgan, became Sir Pryse's tenant, and he took Felinfach; the rent was £8; in 1824, 50 per cent. was added, and in 1876, 28 per cent. again was added. My grandfather built the barn, and my father again built the out-buildings, and he did the wood work in connexion with the dwelling-house without receiving payment or acknowledgment, only the acknowledgment of the valuer in 1875, namely, raising his rent 28 per cent.'

Complaints as to rentals fall into two classes.

The evidence as to changes in rentals generally, is roughly classified under two separate heads in the Report. First, evidence relating to estates as a whole and given chiefly by owners or persons directly authorised to represent them; and secondly, evidence tendered chiefly by tenant farmers, and referring to cases of variation in the rents of individual holdings or in limited districts. These latter statements, with which we shall first deal, took for the most part the form of complaints as to rents being raised or of refusals to grant reductions (pp. 398-404).

"Many complaints were made as to the raising of rents simply, but in most cases the whole point of the complaint was that such advances were made subsequent to, and in consequence of, tenants' improvements. Many advances were also referable to sales of land and changes in the ownership of property, though in this class also it was frequently complained that it was only the tenants' improvements that made the increase possible.

"It will be more convenient for us to consider these cases separately, though they are by no means mutually exclusive, and we shall therefore deal first with the evidence bearing on advances in rents caused by sales of land.

Rents raised in consequence of sales,

"Thus, Mr. Charles Bishop, solicitor and landowner, of Llandovery, said that 'some few years ago rents became unduly inflated: that was before the agricultural depression in Wales. Two causes aided in that direction, the one created by the landowners, the other by the tenants; by the landowners because for some unaccountable reason land sells at exorbitant prices,' and he then gave instances of four considerable properties sold between 1880 and 1890, when the lots realised from 30 to 100 years' purchase. 'Similar auctions have occurred realising between 30 and 40 years' purchase with this result, that many of the purchasers (the small ones especially) afterwards squeezed the rents to get a return for their purchases.' The tenants similarly contribu-

In North Carmarthenshire.

ted to raise rents by the keenness of their competition in offering more than the true rent in many cases, and making the landlords think the lands are of more value than they are.'

"Mr. James Rees, of Talgarth, near Llandovery, gave us the result on rents of the sale in 1869 of the Glanbran estate, in the same neighbourhood. The rents of a group of 19 farms had been raised from £1,370 to £2,130, an increase of 55 per cent., while another group of 17 farms, of a more remote and mountainous character, situated in the parishes of Llandulais and Llanwrtyd, had been raised 80 per cent., from £428 to £774 10s., making a general average increase of over 60 per cent. as the result of that sale. Mr. Rees told us that his own holdings (Talgarth and Bronfelyn) were among those sold, their rent prior to the sale being £247, while it is now £375, or more than 50 per cent. more :

'Before the estate was sold I had drained a lot of wet land, and now it is worth about 10s. an acre. Before it was drained it was not worth more than 5s. an acre. Also I have hauled all the stones towards the buildings, and I never received a penny as compensation. I did all the haulage for the outbuildings, drained 12 fields at my own expense, and four other fields at my own expense, except the cutting. I have also made new fences.'

"Miss Kate Jenkins, of Llangadock gave the following account of one of the sales referred to by Mr. Charles Bishop :—

And the Vale of Towy generally.

'Property which Mrs. Saunders Davies owned in this neighbourhood was put up at public auction in May, 1884, and the late Major Rice bought many of the farms. The tenants were nearly all yearly ones, and, previous to the sale, had received notices to quit owing to the estate changing hands. Upon purchasing these farms, Major Rice sent round to tell all the tenants that they were not to heed the notices. He sent his gamekeeper round, which is very often done. He wished them all to continue in their tenancies. Six days before Michaelmas he sent notices requesting them all to meet him at Llandovery for the purpose of signing new agreements, and to their dismay they found that, with very few exceptions, the rents of all were raised for the purpose of meeting his expenses, &c. If they did not choose to sign, the only option left was to clear out stock, crops, &c., in six days. Of the three farms not raised, one tenant possessed a lease, and the other refused to pay an additional £20 rent, which was demanded. He left in a year. I have possession of an

agreement, in which a farm was raised from £45 to £55. The present landlord (Mr. Pryse-Rice, of Llwynybrain,) has reduced some of them to the old valuation, but in the meantime the tenants were paying yearly money to the landlord which ought honestly to have been in their own pockets.'

"Witness's father had represented Major Rice at the sale, and his instructions were to buy the land at any price. Miss Jenkins added in this connection that 'her father used to say that land about Llangadock had gone up from £1 to £2 10s., £3, and £4 an acre.'

"Speaking of the more immediate neighbourhood of Llangadock and Llandilo, Mr. Llewelyn Williams also said:—

'The Danyrallt estate, owned by the Lloyds, was sold about that time (namely, 1870) and was bought by a Mr. Alan James Gulston, who ruined himself by buying it at too high a figure. The consequence was that all the rents on the estate were, without exception, raised. Farmers, rather than leave their homes, consented to an increase, and I believe the neighbouring landowners, gather confidence from the success of Mr. Gulston, followed suit whenever possible.'"

He also added that a large amount of land north of Llandilo "had been sold and re-sold during the last 30 years," the following estates being specially mentioned :— Glanbrydan (twice); Danyrallt (twice); Saunders Davies'; Glanbran; and Cynghordy; also Alltyferin, south of Llandilo—but all in the Vale of Towy.

South Carmarthen

As to the district South of Carmarthen it was said that "the parishes of Llangunnock, Llanstephan, and Llandilo Abercowin are comprised of small estates or parts of estates most of which have been either re-valued or sold during the last 40 years, so that the rents have been raised on an average 30 to 40 per cent., and very little abatements have been made during these late years of depression and none at all by some landlords." Three farms which had been sold three years previously were then instanced, their aggregate rent being subsequently raised from £250 to £320, an advance of 70 per cent., due, according to the witness (who was the County Councillor for the district) to the tenants' uncompensated improvements.

Pembrokeshire

"As to Pembrokeshire generally, Mr. Rule Owen expressed the opinion that on large and well-managed estates, and those which had been inherited, the rents were not near the competition price:—

'I think that the highest rents paid in this country are those where men have made their money in other businesses, and have been accustomed to good percentages, and have

bought land and expect to get something like the same percentage out of it as they did when in business. Landowners are generally accustomed to a return of about 2 to 2½ per cent. upon their land.'

Several instances are then quoted in illustration of the practice of increasing rents after sales. We reproduce one example :—

Pembrokeshire.

Sir Pryse Pryse, of Gogerddan, near Aberystwyth, owned some outlying property of about 1,000 acres in the district between Tenby and Narberth. This he sold in 1872 to Mr. C. R. Vickerman. As to the subsequent result on the rental, the Rev. George Bancroft stated that 'some of the rents were raised double and one even four times the amount of what it was under Sir Pryse Pryse.'

Similar instances are also quoted with reference to Cardiganshire,—the following being a specimen : "A witness, who appeared before us at Aberayron, told us that he succeeded to the occupation of a farm in that neighbourhood in 1862, its rent then being £22. It was re-valued and its rent raised to £38 in 1874; two years afterwards it was sold. 'At the sale, the bidding remained for some time at £1,200, but the auctioneer praised the water-wheel (which the tenant had himself put up) and the tidiness of the place, and this brought up the price to £1,500.' The result was that the rent was in consequence raised to £50, though two fields were taken away from the farm."

These were all advances made *subsequent* to sales, but, according to the Report (p. 397), "in the case of some sales the vendors have been known to raise the rents of their holdings a few years previous to their being put up for sale, the object, according to a Cardigan witness who said he knew of such cases, being 'to show to the buyer of the farm that the rents are so much,' and consequently to give, to a certain extent, a false impression of the value of the property.

Rents of holdings sometimes raised *before* their sale.

Thus, Mr. John Davies, of Ffos Esgob, Llandyssul, said that the rent of his farm, which was on the Alltyrodyn estate, was £60 in 1859, but was then raised to £70. After the election of 1868 it was further raised to £87.

'In the year 1877 a valuer was sent to walk our farm as it was to be sold soon. The rent this time was advanced by £23. So the total rent now was £110. In the short space of 18 years our rent was advanced by 83 per cent. in three stages. All these advances were made upon our own improvements. The last advance was made simply in order to get a large sum for the farm, which was sold for £4,150 in the year 1879, and we bought it. We paid upon our own improvements in the advanced rents, and we had to pay again for those improvements when we bought the farm.'

A similar practice was said to have been resorted to in North Cardiganshire, previous to the sale of a portion of the Nanteos estate,

and also in North Pembrokeshire, where 'the estate of Cwmgloyn was generally raised in that way before it was sold.'"

It is, however, observed that perhaps the most important class of cases referred to in evidence was that in which it was alleged that rents were raised largely, if not wholly, upon improvements effected by the tenants themselves.

Rents raised on tenants' improvements.

A former tenant of Cwmsawdde, Llangadock, who had migrated to Brecknockshire, stated in a letter quoted before the Commission, that his reason for leaving his previous holding was "an advance of 50 per cent on his own labour."

Cases from Carmarthenshire.

The rent to his predecessor (from 1850 to 1860) was £120; when he took the place about 1862 it was raised to £175, but during the last years of his tenancy the rent was £240, his landlord having also resumed possession of some cottages "and 10 acres of the best land." He ascribed the increase to his own improvements for which, on leaving, he received no compensation.

A witness, who had been selected to represent the parish of Llanfynydd before the Commission, said:—

"'In the year 1877 a general or all-round advance was made in the rents on the Pantglas estate, and all the tenants had notice to quit. There was no official valuation to regulate this increase in the rents. It is also customary on this estate to increase the rent when a farm changes hands. The in-coming tenant has generally to pay more rent than the out-going tenant. This rule is only deviated from in the case of a special favourite. In many cases an increase has been made in the rent, as the result of the improvements made by the tenants themselves. When a tenant leaves a farm no compensation is paid to him for unexhausted improvements.'

The case of one farm on the estate, Maesyrhaidd, was specially mentioned. Its rent during the life-time of the late tenant's grandfather was £40, it afterwards stood for many years at £75, in 1892 at £100 and in 1893 at £85. 'If Maesyrhaidd is a good farm to-day,' said the late tenant in a letter quoted to us, 'it is because of the labour and outlay put into it by myself and my father before me.'

Another mountain farm, Marchoglwyn, in the same parish, but the property of a small owner, was raised by four separate advances (which were alleged to be made entirely on the tenant's own improvements) from £32 in 1853 to £55 in 1876. The old tenant had to leave in 1877, when the farm was then let to another at £56, which was raised in 1892 to £65 (exclusive of tithes, about £2 odd).

The following examples may be taken from the evidence relating to South-West Carmarthenshire:—

"Mr. J. D. Morse, of Llandawke, gave us at Carmarthen an account of the manner rents were raised on the Llangan Estate, near Whitland, which belonged to the Puxley family. In 1849 he became tenant of Sarnlas Farm at £150 a year. In 1853, £16 16s. was added to the rent. The estate was valued in 1857 by an independent valuer, and the rent of this farm was further increased by £13 4s., bringing it up to £180. Two years later, after notices to quit had been served, all the chief farms on the estate were advertised to be let by tender, and Sarnlas was offered to the sitting tenant,

our witness, at £317 10s., over 75 per cent. above the valuation. He declined and left, though his wife's ancestors had lived there from time immemorial, and though he himself during his 10 years' tenancy appears to have marvellously changed the appearance of the farm by means of exceptionally extensive improvements by draining, manuring, fencing, hauling towards buildings, and erecting two small new buildings himself.

Two other tenants left at the same time as Mr. Morse. In one of these cases the rent was being raised from £202 10s. to £300, though the tenant, who had been there nine years, was described as 'a good farmer who had improved the farm—but did not receive a penny compensation.' 'The few that remained had to advance their rents considerably,' continued the witness. 'The rents of the seven farms that were let by tender that year (of the eighth I can give no accurate account) amounted to £605 at Mr. Harvey's valuation two years before, but they were soon reduced, and there is not a single tenant that took them that year on the estate these many years.'"

Complaints [not so numerous in South Pembrokeshire.

As to the county of Pembroke, it is observed by the Commissioners that "the complaints as to the raising of rents generally, or of raising them in consequence of tenants' improvements, were not nearly so numerous in Pembrokeshire as in the other two counties under review. Scarcely a single complaint was made as to several of the larger estates, except in general terms to the effect that rents were too high for present prices. Thus a tenant of Sir Owen Scourfield's said the rents on that estate were very moderate, 'but not moderate considering these last two years.'

In individual cases rents have been raised, according to Mr. Rule Owen, where old leases expired, or where new tenancies have been created in the more prosperous times."

These remarks apply mainly to South Pembrokeshire, where the chief complaint appeared to be as to inequality of rentals; and a witness at Haverfordwest, referring to the evidence given earlier in the day by Mr. Rule Owen and Mr. Mousley (the former agent for Earl Cawdor's estate) said they were "the agents of A 1 landlords. But (he went on to say) you are not then getting at the No. 2 landlords—that is the rack renters. . . . I am, myself, under a small landlord; that is the worst class of landlords in Pembrokeshire, the landlord who buys farms and lets them out. As to the landlord I lived under before, he lived *that* side of the hedge, and I lived *this*. He lived under Sir Charles E. Philipps, of Picton, at 16s. an acre, and charged me £3 10s. for mine. I

had to make a living for my small children somehow, and I tried, but those cases are great hardship. I never get a penny back in percentage."

In the West and North of the County also the small proprietors appear to be very numerous, and complaints were made that "the more needy landlords had raised their rents, but the larger landlords left them the same, as long as the old tenant was in."

Cardiganshire complaints—numerous.

From Cardiganshire the Commission received very numerous complaints as to the alleged raising of rents on tenants' improvements, and as to high rents generally.

As to the Bronwydd estate of Sir Marteine Lloyd, it was said that the tenants felt perfect security of tenure,—their complaint being simply as to the rent; "there had been two general advances of rent on the estate, one in 1865 and the other in 1871, when things were very brisk."

Another witness, an ex-tenant of the Bronwydd estate, now a butter merchant at Swansea, also complained of the valuation of 1871, and alleged that, "taking into account a reduction in the acreage of the farm which he then held, the result of the valuation, together with a previous revision in 1865, was to raise the rent of the remainder by 100 per cent. 'In the year 1880,' he added, 'we left the farm because the rent was too high, and no hope of getting a reduction; rents were advanced in good times, but not reduced during bad times.'

"Dr. Enoch Davies expressed the opinion, as to the district of Newcastle Emlyn, that 'rents were increased mainly on tenants' improvements, and when times are good.'

"An ex-tenant farmer who immediately followed him mentioned his own case as tenant of a farm, the rent of which, previous to his entering it, was £55. 'During my stay there (which ended in 1882) I received three notices, and my rent has advanced from £68 to £95.' As to the last-mentioned amount, he said 'Nothing but sheer necessity compelled me to promise the exorbitant price for it. I had no place to turn to, and besides, I had paid for all the repairs on the understanding that the amount expended would be repaid in rent. My wife was also much attached to the place having been brought up there.' This holding, we should add, appears to have belonged to a small owner. In 1882, witness took a farm belonging to a large landowner—Mr. Fitzwilliams, of Cilgwyn—its rent being £220. According to his agreement he was to pay interest at 10 per cent. for any buildings done at the tenant's request, but witness never asked for any on these terms; subsequently the landlord reduced the rate of interest to six per cent., after which some improvements were made on those terms. Later on, the tenant bought a small freehold of his own, which brought him a notice to quit from his landlord, but he was informed he could stay on, on payment of an advance of £50 a year in the rent, but, concluded witness, 'it was rented to an utter stranger for £46 per annum less than I paid—another entered into my labour.'

Mr. Simon Davies, of Penbryn, said he had succeeded his father as tenant of Pantybettws farm, which belonged to

Sir Pryse Pryse, Gogerddan. His father held the farm on a lease at £105, which, when the lease expired, was advanced to £130. Witness during his tenancy executed very extensive improvements; he made 667 perches of drains, built three new fences, made new roads measuring 1,100 yards, put up 22 gates, in connection with most of which he also put up stone pillars and rounded off the fences with dry wall; set up a water-wheel and made three ponds to collect water for its use; and as to the buildings he did all the haulage towards them himself, paying the turnpike tolls, provided all the unskilled labour (*e.g.*, quarried the stones). and supplied the partial board of the masons and carpenters paid by his landlord.

About 1877 the farm was valued, and the rent raised to £178, but after two or three years it was reduced to £140. About 1884, the farm was sold for £4,050, the tenant having himself bid £4,040.

"A sum of £5 was given witness by the agent as 'compensation,' when he was leaving. Witness concluded by stating that the experience of very many on the Pembryn portion of the Gogerddan Estate was similar to his own. 'Many of us saw our labour and capital put up for sale by Mr. Francis in this very room, and knocked down to the highest bidder, Sir Pryse receiving the benefit.' The evidence of another witness, who is still a tenant on the estate, but whose holding has been in the market for the last 12 years, Mr. D. D. Davies, of Cefnceirw, indirectly corroborated this view. Previous to 1858 the rent of Cefnceirw was £92 15s.; as the result of a valuation made in that year, a portion of the farm, valued at £21 was taken away, and the rent of the remaining portion raised by £13 5s., so as to stand at £85. In 1887, after another valuation, it was raised to £122. The farm has been in the market for the last 12 years. Here, too, the tenant stated that he or his parents had done all the haulage, and, some 45 years ago, his mother, then a widow, paid £40 to the agent for a cowhouse then built.

As to Mid-Cardiganshire, several instances are quoted in the Report from the evidence of Mr. J. Watkin Davies, who spoke on behalf of the tenants of the Derry Ormond Estate, and who, moreover, emphasised the fact that a large proportion of the improvements was effected by the tenants, who 'often make the drains, raise hedges, plant trees, and repair a great deal of the buildings at their own expense. When improvements are effected by the landlord interest is charged in respect thereof, often at £4 per cent., but there is no established rate, and after such improvements the rents are raised in almost every case without exception.'

The Commissioners specially mention the fact that "complaints of rents being frequently and repeatedly raised on tenants' improvements" were "very numerous" in the district of Aberayron, several of the witnesses at this place being at present occupying freeholders who, according to their account, had while tenants greatly improved their

holdings, but were subsequently compelled to pay for such improvements a second time when their farms were purchased by them at public auctions.

Typical case from Aberayron

Dr. Garrod Thomas, of Newport, himself a native of the district, gave some interesting evidence, which is thus quoted at length in the Report (p. 403) as being typical of many of the other statements.

"My father, Lewis Thomas, of Panteryrod, took that farm in 1843, the rental being then £60. It was considered dear at the time, as the previous tenant had, by five annual sales before his ultimate failure, exhausted the soil; in fact I remember hearing my father say that the ground would not produce enough for the use of his household and his own stock. It was very untidy, and there was scarcely a hedge on it, and the buildings were poor, dilapidated, and thatch-covered, with not a single one slated. Mr. Thomas Lloyd, of Nantgwyllt (Radnorshire), one of the best landlords in the county, was the landlord, and I think, certainly, that my father was one of the best farmers in the county. He set to work improving the place vigorously; the dwelling and all the out-houses were rebuilt, towards which rebuilding the landlord paid for timber, for slates, ironmongery, and skilled labour, such as masons and carpenters. These men were, however, partly boarded by the tenant; the landlord did not pay one penny for hauling, the stone mostly was hauled from the sea-shore a mile off, and up a steep hill; nor did he pay for unskilled labour—those who attended to the masons and so on. My father also built hedges all over the farm; thousands of loads of stone, during his lifetime, were carried for facing and making these hedges, and they were put into a condition so that they would last for generations with a little care, the land itself, at the same time, receiving attention by draining, liming, manuring, and so on. Mr. Thomas Lloyd died about 1870, and my father died in 1873.

"Mr. Lloyd was succeeded by his son, the present Mr. Robert Lloyd, of Nantgwyllt, who had the whole of his estate revalued in or about 1874, by a stranger to the neighbourhood, who came down in the spring of the year, when the land looked at its best, as in the summer time it gets burnt up, and especially in dry summers. Right up to the time of the valuation the farm was kept in first-class condition, both as regards buildings (several of the smaller having been erected without a penny of contribution from the landlord), and as regards the land with respect to liming, manuring, and so on, that was steadily kept up, and the hedges and drains were kept in repair. The result was that the valuer recommended the rent to be raised from £60 a year to £119 10s. a year. Mr. Lloyd very kindly took off the £9 10s., fixing it at £110. Then he also made a little reduction (£10) in that after a few years. I consider that my mother, for the time that she remained there, and afterwards my brother who succeeded her, had to pay in rent the penalty of my father's good farming. No other farm in the neighbourhood, or on the estate, was raised in anything like the same proportion.

"Mr. Robert Lloyd, in 1889, sold the whole of his Cardiganshire estate, and I bought the old nest for my brother William to live at, but, of course, I bought it in open sale, and I had to buy on the basis of this increased rental. Thus the purchase money paid by me to Mr. Lloyd was, on account of my father's and mother's good farming, nearly double what it would have been if they had been incompetent farmers."

"Mr. Robert Lloyd, the landowner mentioned, also referred to this case in the course of his evidence. As to the state of the farm in 1843, he said that it was valued (under a

partition deed) in that year at £75, from which he inferred that the buildings could not have been in a very dilapidated state.

"Still, as I know perfectly well," he continued, "the buildings and all that were in a very bad state indeed, and we spent all round that district a very large sum indeed in re-building. Well, he held that farm for 30 years at his £60 a year rent, the valuation having been £75 only, up to 1873, which was, of course, the farmers' best period. I thought it was only fair that I should have a re-valuation. The re-valuation came to £119 10s. on his £60. I did not put him up to that, nor were any of the farms put up to their valuation. I put them half way between the rent and the valuation—I thought we should fairly deal between each other. His farm was valued at £119 10s. and I put it up to £110, which I considered afterwards rather high, and reduced it to £100. Then a very few years afterwards I gave him back 10 per cent., which reduced it again to £90. As the tenant had had the benefit of all we had done, and had had it for nearly 30 years, I thought it was a very fair case for re-valuation. I sold this farm in 1889. I can only say that I am afraid if I had sold the farm in 1875, when the greater part of the property about Aberayron was sold, Dr. Thomas would certainly have had to give £500 more than he gave in 1889."

The Commissioners observe that "this case very well illustrates the difference of standpoint taken by landlord and tenant respectively with regard to any increase in the value of land. Both witnesses gave their evidence without any shadow of hostility, and both seemed to aim at placing us in possession of all the facts without any exaggeration, and yet, while one thought that his family had suffered hardship, the other thought they had been dealt with fairly and justly."

Hitherto, what is obviously only one side of the question has been given. The tenants, whose evidence has been quoted, naturally dwelt on what they regarded as their grievances; on the other hand those who might be well satisfied with their treatment, would have less of an inclination to publish any details as to the conditions of their tenancy. It is therefore to the evidence of landowners and their representatives that the Commissioners turn for an account of the other side of the question of rents. By itself, neither is complete without the other. Both are in the nature of half-truths, and the statements of the two classes of witnesses should therefore be read side by side, before anything like a just estimate can be arrived at.

Statistics of Landowners' Association as to changes in rentals.

Considerable particulars as to rentals, abatements, and reductions were furnished to the Commission in the form of tabulated statements by the secretaries to the Landowners' Associations of South and North Wales respectively. Taking those for the group of three counties now dealt with—supplied by Mr. J. E. Vincent—only those estates whose owners supplied particulars to the Association Secretary are included in these tables, and there are consequently many important omissions, *e.g.*, the Abermarlais, Edwinsford, Llwynybrain, Neuadd (Mr. Campbell Davys), Pantglas and Tregib estates, all in North Carmarthenshire, the Abermeurig, Cilgwyn (Mr.

Fitzwilliams), Derry Ormond, Falcondale, Highmoad, Nanteos, and Gogerddan estates, in various parts of Cardiganshire, and —to mention one only—the late Lord Kensington's estate in Pembrokeshire. Nevertheless, the Commissioners observe (p. 394) that after omitting all duplicates there are returns given in these tables for "87 landowners in the three counties of Carmarthen, Pembroke, and Cardigan. Of that number, 45 may be said to belong to Carmarthenshire, 28 to Pembrokeshire, and 14 to Cardiganshire—if we assign each landowner to the county in which the bulk of his property is situated.

"The number of those who have made *reductions* (as apart from *abatements*) in their rentals since about 1877 is shown in the following table, which is an attempt to classify those who have reduced rents according to the number of cases in which they have made such reductions:—

County.	Number of Landowners' Returns.	No Reductions.	Number of Cases in which Reductions have been made.					Some Reductions.	General Reductions.
			One.	Two.	Three.	Four.	Five.		
Carmarthen	45	24	8	2	2	2	1	3	3
Pembroke ...	28	12	3	3	1	—	—	7	2
Cardigan ...	14	3	3	1	2	—	—	2	3
Total ...	87	39	14	6	5	2	1	12	8

General permanent reductions —few in number

"We have entered in the last column those cases in which the reductions were nearly, if not quite, general over a whole estate; but as the total number of those who have made *general* permanent reductions is so few, we may briefly refer to the statements with reference thereto.* Starting with Carmarthenshire, we find that Mrs. Lloyd Phillips, of

* As to the column "Some reductions," it should be said that the statements in the return opposite the names of those who are here entered are too indefinite to admit of their being classified. The expressions used are "in a few cases," "in some cases," "no very material reductions," and the like.

Aberglasney, has reduced the rent of almost every farm; and that Mrs. Howel Gwyn has reduced the rents of her Blaensawdde Estate by 10 per cent. The only other case in this county is that of the Earl of Ashburnham; but his reduction was limited to one only of his Carmarthenshire estates, namely, that at Pembrey, where the rents were reduced by about 14 per cent. 'But it is right to say,' so the statement continues, 'that as some of these reductions were caused by the destruction of the land in consequence of the encroachment of the blowing sands from the sea-shore, the amount for the purposes of this investigation may be set at about 10½ per cent.'

"In Pembrokeshire the Bishop of Llandaff has, on his estate of 3,500 acres, reduced the rents in some fourteen instances, which would probably cover most of the estate; while the only actual case of general reduction in the county was that of 20 per cent. made from 1886 on a small estate of 1,500 acres belonging to Mr. Stancomb, of Devizes.

"In Cardiganshire we have three cases of permanent reduction entered in the list. One, on the Brynog Estate, near Talsarn; the owner since the Tithe Act of 1891, paid the tithe himself, which has been equivalent to some £50 reduction in the total rental of the estate." On the Hafod Estate, of some 15,000 acres in Cardiganshire and Montgomeryshire, a reduction of 10 per cent. was granted to all yearly tenants about 1877, and in 1893 abatements of 10 or 15 per cent. were allowed to all who paid punctually. "The third, and perhaps the most interesting case of rent reduction in this county, is that of the Alltlwyd Estate (of about 1,100 acres, let at a little over £1,100), in the maritime parishes of Llanrhystyd and Llansaintffraid, near Aberystwyth. The owner, Major Parry Hughes, told us that the rents were fixed by his father in 1846, and remained unchanged until 1886, 'when the depression in agriculture was keenly felt in Cardiganshire.' As the tenants were complaining that the rents were high, a new valuation was then made by Mr. J. M. Davies, of Froodvale, according to which "the rents then paid by the tenants were in some instances too high.' 'I then endeavoured,' said the owner, 'to let the farms at the rents fixed by Mr. Davies, but failed to do so,' and then had to let them at still lower rents; but 'the tenants now (1894) complain that these rents are too high, and I have great difficulty in collecting them.' The rental of eight of the chief farms previous to 1886 amounted to £1,064. Mr. Davies's valuation, then made, proposed its reduction to £912 (a decrease of 14 per cent.), but they had

to be re-let at £800, which meant a reduction of about 25 per cent. These farms, it was explained, have always been farmed for corn-growing and contain some of the best corn land in the county."

Apart from these tables, however, considerable evidence was given as to variations in rentals by agents and owners, and we shall endeavour to reproduce the salient points of the Commissioners' summary of these statements, as we have already done with those of the tenants. Mr. J. M. Davies, of Froodvale, said that while "there had been advances on some portions of the estates" under his management, the rents of a vast number of farms have remained the same for 50 years.

Evidence as to estates as whole.

In Carmarthenshire,

The rents on the Taliaris Estate of 3,000 acres, now belonging to Mr. H. Peel, were increased 10 per cent. in 1855, and since then a few have been further raised slightly on change of tenancy. The total rental in 1893 was £23 less than in 1883, and abatements at the rate of about five per cent. were made in 1885-7 and in 1892.

Lord Dynevor's Estate of 7,000 acres was re-valued in 1874, and all the farms were re-taken by the then sitting tenants at a very considerable reduction below the valuation, but it was "a rise on the original rent." In the case of seven farms permanent reductions, amounting in all to 12½ per cent., have since been made, but some few rents have, on the other hand, been occasionally raised on re-lettings. Abatements of 10 per cent. were granted in 1885-7, and from 10 to 15 per cent. in 1892 and 1893.

The Earl of Ashburnham's Estate at Llanddeusant was re-valued about 20 years ago, and the rents considerably increased—the increase in the case of 25 farms amounting, according to one witness, to an average of 30 per cent.—but abatements of from 5 to 10 per cent. had been made between 1886 and 1893 (excepting 1890-1). Mrs. Howel Gwyn's Estate in the same district had its rents increased 20 per cent. in 1863, but, as already mentioned, about 10 per cent. of this has since 1880 been permanently given back.

On Sir Arthur Stepney's Estate of 12,000 acres, chiefly in Carmarthenshire, the rents have, according to the agent, been "undisturbed for about 50 years on an average," but what the qualification thus added may mean the Commissioners are unable to say. No reductions have been made, but abatements of 10 per cent. were given for the three years, 1886-8.

In Pembrokeshire: Earl Cawdor's.

"The whole of the Earl of Cawdor's Estate, of 70,000 acres in the three counties now under review, was re-valued

by a "professional gentleman" in 1862. Mr. T. T. Mousley, who acted as agent for this estate from 1863 to 1893, said: 'The first thing I had to do on entering into the agency was to relet the whole property (at the rents fixed by the new valuation); well, I could not let them up to those rents. I had a great many things to take into consideration by Lord Cawdor's instructions—where there had been what could be called permanent improvements by the tenants, not exhausted, and where they had an undoubted claim, his Lordship advised me, 'I think it quite right that we should acknowledge and 'make some allowances in our relettings,' and I daresay the reductions in the re-letting of the whole property cost Lord Cawdor £1,000 at least a year in the yearly rents. . . . By the valuation I daresay the increase would be about £6,000 a year, but the actual letting did not amount to an increase of £5,000. The rents have not been raised since that time—30 years ago—excepting an occasional change. If there was some real ground for it, there might have been some slight increase of rent, but it has happened very seldom.'

Elsewhere it is stated that 'no permanent reductions of any consequence have been made on this estate up to the present time. Now (April, 1894), a few trifling reductions are proposed.' Abatements of 15 per cent. had been previously granted in 1886-88, and in 1891-92 the tithes, amounting to about 7½ per cent., were also allowed.

The result of the valuation of 1862, in the case of nine farms in the parish of Llanfair ar y bryn, was an average increase of about 30 per cent., but we do not know whether the increase there was similar in amount or how far it was evenly distributed over the whole estate.

No general re-valuation has been made, nor have the rents been raised during the last 50 years on the Slebech Estate (Baron de Rutzen), the Ffynone Estate (Major Colby), Pentyparc (Mr. F. Lloyd-Philipps, and, it was also believed, on the Llwyngwair Estate (Mr. J. B. Bowen), as well as one or two other smaller properties in the county of Pembroke. Abatements of 10 per cent. were made on the Llwyngwair Estate in 1885-88, of 5 per cent. in 1891, and of 10 per cent. in 1892. The rental of the original portion of the Ffynone Estate was said not to have been altered for several generations, but reductions have been made in a few cases where farms were purchased with high rentals, and abatements somewhat similar in amount to those on the preceding estate have also been made. The rent of one farm has been reduced on the Slebech Estate, and the only abatements made were 10 per cent. in 1893: no reductions have

been made on the Pentyparc Estate, and the abatements were 5 per cent. in 1887-88, and 10 per cent. in 1892.

There has been no re-valuation "within memory of any body living"—in fact, it is not known when one occurred at all—on the Picton Castle Estate in the same county. A few, perhaps a dozen, permanent reductions have been made, but most cases have been dealt with by granting abatements, of 10 per cent. generally, and three were said to have been going on for the last ten or twelve years.

The estate of R. W. B. Mirehouse, of Angle, in the hundred of Castlemartin (about 3,000 acres in extent), was re-valued about 1879, and resulted in what is described in the owner's return as 'a moderate increase of rent in a few cases.' A different account was, however, given us by a former tenant of the estate, now resident in Surrey, whence he travelled all the way to Pembroke with the view of giving evidence. A farm which had been held down to 1879 at £180 a year was, in that year, let to this witness at £300—a sum which was subsequently reduced to £230, but in 1887 he gave it up as being highly rented.

The estates of Mr. Lort Phillips, of Lawrenny (6,500 acres, rent about £6,000), were re-valued in 1877, the valuation resulting in an increase of over £400, but the increase actually made in the rentals was £231. In 1880, permanent reductions amounting to £131 were made, and in 1885, "the depression deepening," abatements of £480 were made, bringing the net rental to the level of what it was in 1853. The abatements were continued until 1888, then discontinued till Michaelmas 1891, when they were renewed, being a year after increased to an average of 10 per cent.

We have already mentioned (*see* p. 210) that when the present owner succeeded in 1875, the buildings on the estate were in a very dilapidated condition, and since then about 16·6 per cent. of the gross rentals has in all been spent on new buildings and improvements. "For a few years, some of the tenants paid interest at 5 per cent. upon the outlay, but by 1885, quite half of them had been excused, and at the present (1894) not more than £30 per annum is received under this head."

North Pembroke shire.

With reference to some of the smaller estates in this county, the statement of Mr. E. Perkins, of Penisgwarne, as to his own property of 800 acres in the district of Fishguard is thus quoted: "rents have certainly been raised during the last 50 years, in some cases doubled, and even then the tenants have saved enough to buy their farms."

With reference to the neighbourhood of Cardigan, Mr. W. O. Brigstocke, of Parc y gors, observed that there had been "in some instances an increase in the rentals during "the last 30 years, especially about 1870-5. I mean this: "I think that when the farms became vacant in the seven- "ties, when times were very good, they were let at an ad- "vanced rent. I do not say tenants were evicted, but when "vacancies occurred they were certainly let at better prices "than they were before. That is my experience."

Rents on the Clynfiew Estate (Mrs. Lewis) were revised and equalised in 1888—the net result of the valuation then made being a slight increase of the estate rental. The only material alterations which have been made in rents on the Coedmore Estate (Mr. T. E. Lloyd) since 1864 have occurred in the falling in of old leases. Since 1887 the rents have not been materially reduced, but abatements from 5 to 10 per cent. were made in 1886-89, and 10 per cent. in 1892.

Cardiganshire Estates.

The following are all the Cardiganshire estates, of more than 2,000 acres each, mentioned by the Commissioners in this connection:—

Mrs. Brigstocke's Blaenpant Estate (4,900 acres) near Cardigan has never been re-valued as a whole, but there have been increases on change of tenancy. Abatements of 10 per cent. on the half year's rents were made in 1879, 1881, and from 1885 onwards.

As to the Pentre Estate (Mrs. Saunders Davies) which extends to 6,700 acres in various parts of the three counties, the old portion was re-valued in 1887, when "some of the rents were advanced and some were reduced." No abatements have been given, but in 1889 the tithe was merged in the rent.

The Llysnewydd Estate of Col. W. P. Lewes (4,200 acres) was valued in 1871, "the rents being slightly raised in some instances," since when abatements of 5 and 10 per cent. have been granted on various occasions.

Mr. J. C. Harford stated that there had been practically no change of rent on his estate (Falcondale, near Lampeter) in the last 30 years, except where land has been taken away for planting or building.

In North Cardiganshire, the Earl of Lisburne's (Crosswood) Estate of some 40,000 acres, was re-valued in 1874, the result being an increase in the rental. Since then permanent reductions amounting to £573 have been made, and abatements of from 10 to 15 per cent. were granted in 1886-89, with smaller allowances in 1885 and 1892. Mr. Gardiner, who has been agent for the estate for 25 years, said that he

had made it a point when made agent "not to interfere with "the rents at all for five years at least, unless under circum- "stances over which he had no control; that is, change of "tenancy, and so on; he did not go about to see how he "could raise the rent."

In 1879 the whole of the Gogerddan Estate, belonging to Sir Pryse Pryse, was re-valued by Mr. J. M. Davies, of Froodvale, and according to the agent (who was not, however, prepared to tell us the result of the valuation on the rental), many of the farms, especially of the sheep-walks, were at that time rented at a very low figure, and their rents were consequently raised. From another source we learnt that of the sheep farms referred to, the rent of one was raised from £45 to £97, another from £70 to £100, and that of a third from £52 to £96 as the result of this valuation. As to the principle on which this valuation generally was conducted, a witness from the district told us that "when Mr. "Davies, of Froodvale, was valuing a particular field, the "farmer told him that he paid 2s. 6d. an acre for that land, "and that it was his labour which had brought it into such "condition. The valuer said: I do not take that into con- "sideration; I have been sent by Sir Pryse to value his land "as I find it 'to-day.'" That land was raised by the valuation, so the witness alleged, from 2s. 6d. to 27s. an acre.

The permanent reductions on the Brynog, Alltlwyd, and Hafod estates, in North Cardiganshire, have been already mentioned (*see* p. 232).

2.—HISTORY OF RENTALS IN NORTH WEST WALES (ANGLESEY, CARNARVON, AND MERIONETH).

North West Wales, or Gwynedd.

Passing on to the North Western Counties—Anglesey, Carnarvon, and Merioneth—we have now to deal, in a similar manner, with the history of rents within that area (*See* Report pp. 422-439). Commencing our review in Anglesey, we shall first consider the evidence of owners and agents as to estates as a whole.

ANGLESEY: Rentals of Chief Estates.

Bodorgan.

The Bodorgan estate, which belonged to the late Sir George Meyrick, was valued in 1806, when the farms were held under leases for lives and years. These have expired, chiefly between 1842 and 1860. The whole estate was re-valued on the same basis in 1871—and the valuation then amounted to £11,754, which was an increase on the previous rental of about 12 per cent. The whole estate was, however,

re-let for £11,255, or about 4 per cent. below the valuation. Since 1871, permanent reductions of varying amounts have been given in 3 or 4 cases, but abatements have been made of 5 per cent. for 3 years, 10 in another three, 15 in two, and 20 in two (1892-3).

Lord Stanley of Alderley's Estate.

Lord Stanley of Alderley said, in effect, that on his estate of about 5,700 acres, the rents were not changed for sitting tenants, though sometimes they are increased with new tenancies. He produced a table showing the rentals on his estate in 1821, 1851, and 1893 respectively, from which the following deductions are drawn in the Report: "Out of 34 holdings, concerning which particulars are given for each of the three periods mentioned, the rents of six remained the same throughout, while four more were the same in 1821 and 1851, but not in 1893, and two were the same in 1821 and 1893 (but were slightly different in 1851). As to the 28 farms in which some variation had occurred between 1821 and 1893, the difference between their total rentals in 1821 and 1851 was an average increase of 6·9 per cent., between 1851 and 1893 an increase of about 1 per cent., or between 1851 and 1893, a total increase of 7·8 per cent. As to 17 other farms, of which no particulars were given for 1821, the rents of eight were the same in 1893 as in 1851, while the remainder showed an average increase of 7 per cent. As to these variations, the present owner said: 'Where there has been an increase it is where there has been new letting to a new person, not of the same family.'

His Lordship further said that he had given no abatements, on principle; the rents were not altered when the value of cattle went up, "so one year pays for another." But he had made three permanent reductions of £25, £10, and £5 respectively, these being granted on account of the age of the tenants, and not on account of the condition of the holding.

Mr. J. M. Prichard, a retired bank manager of Holyhead, also spoke to the stationary character of rents on the Presaddfed Estate, near Bodedern, which forms part of Lord Stanley's property. It formerly belonged to Captain King, and was known as an extremely under-rented estate, and the rents have not been changed since it came into the Stanley family.

Baronhill,

"As to the Baronhill Estate of nearly 25,000 acres, belonging to Sir R. Bulkeley, it was stated by the agent that the rents were raised generally in 1853, in some instances in 1862, and there was a general re-valuation in 1876. The

result of these three valuations was that rents were raised. Two farms were mentioned whose rents had been permanently reduced since 1876. Varying abatements have been made, amounting to a general average on the total rental of 12½ per cent. in 1886, of 8¾ per cent. in 1887, of 5 per cent. in 1888, and of 10 per cent. for the year 1892-93.

On Lady Neave's Llysdulas Estate of 4,500 acres (rental £4,000), 'in a very few cases, where relatives of the deceased or of outgoing tenants were (? not) forthcoming and fresh tenants taken in, and where the quality of the land justified such increase, the rents were raised,' but there does not appear to have been any valuation of the estate as a whole, nor any permanent reduction made of recent years. Abatements had been made amounting to 12½ per cent. for 1886; 7½ per cent. for 1887; 10 per cent. for 1888-89, and 5 per cent. for 1892-93.

Particulars concerning some other estates in Anglesey may be gleaned from the table of rentals by the Secretary to the Landowners' Association, but we shall extract only those referring to estates above 2,000 acres in extent. and other Estates.

As to Lady Vivian's Estate of about 4,000 acres, the rents show an increase of £154 7s. 10d. in the last 50 years, and a decrease of £36 6s., nett increase £118 1s. 10d., caused by the falling in of two old leases in 1856 and 1859 by which there was an advance of £50 and £62 5s. 10d.' Abatements had been made amounting to 10 per cent. for 1886-88, and at Michaelmas, 1892, and Lady-day, 1893.

The following are the particulars given as to the estate of the Marquis of Anglesey, which is 9,250 acres in extent, its rental being £9,600. A re-valuation in 1863 raised the rental £800, which is more than cancelled since then, inasmuch as since 1886 the whole tithe has been allowed tenants at will, without repayment, apparently in lieu of abatements.

No general re-valuation has taken place on Lord Boston's estate, of some 8,300 acres, which is let at a rental of £7,500. Here also the gradual rise that had occurred in the rents is said to have been more than cancelled by reductions which were made in 1888 in the case of 64 farms, amounted to a total of £218, or about 3 per cent. on the gross rental. Abatements of 10 per cent. were made in 1886, in December 1887, June 1888, June 1890, and December 1890—that on half-year's rents except, presumably, in 1886.

No general re-valuation has been made during the last 50 years on the estate (about 3,000 acres) of Colonel Hampton Lewis of Henllys; it is also stated that no increase of rent has been made on new farmhouses, but the increase has been

entirely on new outbuildings. In the case of five farms a permanent reduction, averaging 24 per cent. has been made. In the case of one small holding, where the tenant had spent £180 on the buildings, the rent was also reduced from £17 to £12. Varying abatements have been granted, being about 10 per cent. for 1887-89."

Complaints as to increase of rents on tenants' improvements.

While dealing in a previous chapter with the "custom of the country" we saw that in former years it was customary in Anglesey for the tenants to erect buildings and to carry out improvements at their own expense. This being so, "we found," the Commissioners say (p. 424), "that practically all advances in rents were alleged by tenant farmer witnesses to have been for the most part, if not entirely, due to their own improvements."

In one respect the Anglesey evidence bore a close resemblance to that of Cardiganshire. A great many holdings have recently been sold, and their former tenants stated that after carrying out great improvements on them they were obliged to pay over again for such improvements by purchasing their farms, or be ousted from their old homes to make room for other purchasers, and their improvements thereby wholly confiscated.

We shall quote only two out of the numerous examples which are given in the report.

"Mr. J. Thomas, of Ty Wian, stated that the cost of the improvements effected by him on his holding between 1857 and 1889 amounted to £2,000 (of which he gave us detailed particulars). In fact, he had been awarded a prize for the best-managed farm in Anglesey and Carnarvonshire. His rent was first increased by £8, and subsequently by £18, making it £106; but, after all, it was sold by public auction in March 1893, when he himself purchased it for £2,820; so that, according to him, 'he was compelled to pay twice over for the improvements he had made, besides having had for many years to pay higher rent on his own improvements.'

A witness from the parish of Llanfechell said that, according to receipts in his possession, the rent of his holding (of about 50 acres) was only £4 about 160 years ago. The rent during his tenancy was £33; but after he had spent close upon £300 in buildings, towards which the landlord also contributed £96, his farm was put up for sale, but he bought it privately for £2,000."

Particulars were also given of a long series of small holdings, the rents of which had, it was alleged, been repeatedly raised, though most of the improvements had in each case been carried out by the tenants, the owner occasionally contributing a small proportion thereof.

"The parishes from which these instances were taken touch on the sea-coast on the east of the island, and it was suggested that the district was becoming, of recent years, a watering place, and that in consequence of this, land had gone up greatly in value; but while it was admitted that

the place was improving in this direction, it was urged that there was a serious drawback owing to its remoteness from a railway."

Typical cases.

The Report then proceeds as follows (p. 425) :—"Mr. David Owen, a solicitor practising at Bangor, and the son of an Anglesey tenant farmer, brought to our notice several cases in which he said 'landlords had taken undoubted advantage of their powers and raised their rents on improvements executed by their tenants, and otherwise confiscated property which ought to have belonged to the tenant.' He also emphasised the fact that 'he had selected the cases which he mentioned out of dozens of similar and some worse cases in the county.' One feature common to all the cases cited by Mr. Owen was that the tenants had effected considerable improvements on their holdings, and that the benefits of such improvements accrued, not to the tenants themselves, but to the landowners, who had contributed little or nothing towards the increased value of the farms. This diversion, or, as he termed it 'confiscation,' of the tenants' improvements, was not necessarily effected by the process of raising the rent of the improving tenant, though this occurred in some cases, but it was more frequently accomplished by the sale of the holding. Confining ourselves for the present to cases where rents were raised, the following may be given as samples of Mr. Owen's illustrations :—

"A tenant (who had died only a few months before our visit) took a farm called Llwynyrarth in 1854 at £135 a year. This rent was raised four times until it reached £205. The tenant was said to have spent over £600 himself on buildings. He and his predecessor in the tenancy spent over £1,500 in improvements on the farm, which was eventually sold, when the tenant was offered the sum of £24 in settlement of a claim in respect of improvements amounting to £1,500.

Another farm, Bodsuran, measuring about 260 acres, was held for about 40 years at a rent of £170, which, according to common belief, was a high rent. The tenant, who was described as 'one of the best and most enterprising men in the whole district, was constantly improving the farm by walling and reclaiming waste land and generally improving the soil,' the value of his permanent improvements being estimated at from £2,000 to £2,500. The sequel we shall give in the words of the old tenant's son, who corroborated Mr Owen's evidence, and supplied some further particulars of the case :

'When my father was just commencing to reap a little benefit from his improvements in 1873, his rent, which in 1850 was £170, was raised to £210. In May, 1875, he was served with a notice to quit on the 13th November following, with the alternative of paying a further increase of £70, and accepting a 14 years' lease renewable to 21 years. Now, as trade was very brisk about 1875, it would have been entirely impossible to find a suitable holding to let, especially in so short a time as six months, so he was obliged to accept the terms offered or go homeless, and leave his work for others to enjoy. He repeatedly wrote to the landlord (General Owen Williams, now of Great Marlow) to ask for a re-valuation of the farm and to have his improvements on it as well valued, but to no advantage.

'During the years 1888-89 most of the Craig-y-don Estate in Anglesey was sold by public auction, when, owing to the high rents which had been extorted, the farms reached considerably higher figures than they would had the rents been reasonable, but not a farthing's compensation was offered to those who had improved their holdings to make them so much more valuable. The amount paid General Williams for Bodsuran was £7,500, which, for a stranger, might probably be considered reasonable, but for my father, who had spent the better part of his life, his skill, and so much of his earnings in improving it, was, I am sure it will be admitted, a very unfair price to pay."

A third case, mentioned by Mr. David Owen, was a holding called Treriffri, which had long been in the occupation of his own family, and which formed part of the Bodorgan Estate of Sir George Meyrick. His statement was to the following effect:—

"The farm measures about 100 acres, and was let to my grandfather in 1787 for £25 a year. Between that time and the time when I can first remember the conditions of tenancy, I believe several advances were made in the rent. It was £71 a year when I first remember it, about 30 or 35 years ago. This was always considered a very high rental, as the farm is situate on the very high hill and is always short of water. My father spared neither labour nor money to improve the farm, in fact he improved it more than any other farm on the same estate, and he had to pay dearer for it. He died in 1868, and the rent was raised to £85. It was afterwards raised to £90. All these advances (were) made before the landlord ever spent one penny piece on the farm, and before he was ever one penny short of his rent.

"My father therefore paid an advance of 184 per cent. on his own improvements for many years. During my mother's widowhood there was an advance at the rate of 260 per cent. in about 80 years."

In 1882 an arrangement was made, between the agent and tenant, for building a "new farmyard and homestead;" but, as this arrangement was not reduced into writing, it was discovered after the buildings had been completed that the arrangement was differently understood by the respective parties, the agent taking it that interest at the rate of 5 per cent. was to be charged on all the landlord's expenditure, which amounted to about £1,000, while the tenant believed that such interest would be payable on the moneys paid for labour only, a sum of about £175. The rent was raised by £20 (which represented 2 per cent. interest on the whole expenditure), but the tenant claimed that he ought not to pay more than £8 5s. (or 5 per cent. on £175). The difference could not be settled, so that the tenant had to leave, his claim in respect of improvements amounting to £600, of which he eventually received £388 18s. 6d."

We have reproduced in full the statement of these cases as they are typical of much of the evidence given in Anglesey.

Explanations of the great increase in Anglesey rents.

Taking the island as a whole there can be no doubt that the value of land, as indicated by the rent, has increased enormously during the present century. To explain this it was suggested that the rents reserved under the old leases were almost nominal, but Mr. David Owen denied that "former landlords had been letting their land low in consideration of the tenant undertaking to cultivate and improve it," inasmuch as "the freehold was then correspondingly low." This view he supported by tracing the history of some typical farms, including Bodsuran, which has been referred to above.

This holding, he said, was acquired by the grandfather of the late owner, as mortgagee, for £300—but three or four years ago its rent went up as high as £280 a year—and "it was the tenant and his predecessors that had executed all the improvements at their own expense."

"The estimate of the value of improvements may seem exaggerated, but to show it is not, I may say that about 30 years ago a farm was sold in Anglesey for £9,000, and the owner became the occupier and built a new house and farmyard and otherwise improved the farm. Less than 10 years ago this very farm was sold for over £18,500.

I know of another farm which cost the present owner £25 an acre. The tenant subsequently spent over £25 an acre in improving. He has had to pay an increased rent for his labour and capital."

Two classes of landlords: Class A, and Class B.

Another witness, Mr. J. M. Prichard. a barrister and ex-bank manager of Holyhead, said that to him the reason for the great increase which, according to the Income Tax Assessments had occurred, in the rental of the county was quite palpable. He divided the landowners of Anglesey into two classes, first the hereditary owners, who mainly belonged to the so-called county families, and who had inherited the major portion, if not the whole, of their estates, whether great or small. These he called Class A., while the other class (which he denominated B.), were the small non-occupying owners, men who had for the most part bought holdings and regarded their ownership of them as a commercial transaction.

'The distinguishing feature of these classes,' said the witness, 'is that Class A. charges a little more than half the rent that Class B. charges. You may take it as a fact that Class B. charges 75 per eent. more rent than Class A., and I am putting it mildly there. The best proof of this is that whenever it happens that Class A. sell, and unfortunately Class A. are selling very frequently now, they usually sell to Class B., because Class A. do not buy but very seldom now, and Class B. immediately raise the rents. I do not give opinions and inferences, which, can be, of course, of no value to the Commissioners, but these are facts. When Class B. sell and Class A. buy, which very seldom happens now, and which used to happen very frequently, Class A. always reduce the rent. You may take that as a rule.'

Mr. Prichard gave some instances in proof of this assertion, and compared the rents of farms belonging to the two classes of landowners; but from other evidence that he gave "it was clear," the report says, "that tenants even of large estates (Class A.) were by no means free from the fear of having their rents raised upon their own improvements," however seldom those fears might be realised.

CARNARVONSHIRE: Rentals of chief estates.

The following is the statement of the Report (p. 428) as to the three chief estates in Carnarvonshire, concerning

which the Commissioners received detailed evidence—viz., those of Lord Penrhyn, Mr. Assheton Smith, and the Earl of Ancaster:—

Lord Penrhyn's.

"The Carnarvonshire estates of Lord Penrhyn, which measure 72,000 acres, of which 48,000 acres are upland and of which the farm rental in 1892 amounted to £21,000, have not been re-valued, as a whole, during the last half-century; but some re-valuations were made on the Lleyn portion of it, purchased from Sir Robert Vaughan. 'A great deal of land has been purchased; it is, therefore, impossible to compare the present rental with that of 50 years ago.' As to individual holdings, however, the statement of the agent was that 'no rents have been raised except in some changes of boundaries, &c.; but as a rule a farm is re-let on the same rent, many have not varied for 40 or 50 years. If a re-valuation is required,' he continued, 'I make it myself, assisted by my sub-agents.'

The permanent reductions since 1883 amounted to £750 or less than $3\frac{1}{2}$ per cent. on the total rental. This percentage would, however, be considerably lower but for the fact that on some 20 farms in the Bettws y Coed district, reductions had been made averaging 25 per cent. Abatements have also been made as follows: 'for $3\frac{1}{2}$ years from November, 1885, to May, 1889, 10 per cent.; for one half-year to May, 1892, 10 per cent., and on a portion of the estate, 20 per cent.; for one year to May, 1893, 25 per cent., and 30 per cent. for part of year.'

Mr. Assheton Smith's.

As to Mr. Assheton Smith's Vaynol Estate of nearly 36,000 acres, it was said that the agricultural land brings in an annual income of £20,349. About 1869, 'it was considered that the rents wanted equalising, and a valuation was then made, a professional valuer of great experience having been appointed. No other general valuation has been made within the last 70 years at least. Some holdings were reduced in rent, but the general result was an increase of 10 per cent. on the previous rental. Some years ago, when things were flourishing, a slight increase was made to a new tenant occasionally; but, in most instances, such increase has been reduced again or improvements given as an equivalent.' Since the commencement of the depression, it appears that the rents of eight farms have been permanently reduced. Abatements have been given from 1886 on, the total amount so remitted during the seven years prior to May 1893 amounting to £20,589, or about 14 per cent. on the rental, assuming that the total rental given above is the gross total previous to the deduction of abatements.

As to the Earl of Ancaster's Gwydyr Estate, which until a year or two ago was close upon 33,000 acres, chiefly of mountain land, situated entirely (except some nine acres) in Carnarvonshire, it was stated that the farm rental in 1869 was £5,901 11s. 6d. In 1869, there was a valuation by two valuers appointed by the late Lord Willoughby, and it was stated that the rental in 1893 amounted to £6,650 15s. 2d., showing an increase of about 12½ per cent. on the 1869 rental. The Earl of Ancaster's,

In a few cases permanent reductions have been made of recent years, in all other cases abatements have been granted, commencing in 1879, and amounting during the 14 years down to the end of 1892, to £10,984, or a general average of about 11½ per cent. on the total rental during those years." It is to be observed that no detailed evidence was received as to one other large estate in Carnarvonshire, that of Glynllifon, of which the present owner is the Hon. F. G. Wynn, who came into possession in 1888 on the death of his brother, the late Lord Newborough.

The Report, however, contains particulars as to three other estates which, though considerably less than the foregoing, still rank high in importance in the county. These are the Madryn, Gwynfryn, and Cefn Amwlch Estates. As to the first, which belonged to the late Sir Love Jones-Parry, the following is the statement made by the late Mr. Pughe-Jones, a barrister, who formerly had the general direction of the property :

"The rents on the estate have not been appreciably varied within the last 50 years. They are considerably higher than upon the Glynllifon Estate ; but, excepting a few farms, they have not been raised within the period aforesaid, and some have been lowered. The rents of purchased farms are from the purchaser seeking to obtain 3½ or 4 per cent. per annum on his purchase moneys, always higher than the rents of inherited farms forming or being parts of the old family estate. This is true as to several farms purchased by the late Dame Elizabeth Jones-Parry. Their rents are at least 20 per cent. higher than those of adjoining holdings. They are bought very dear, and now only pay 2¾ per cent. per annum on the moneys paid ; but I admit that they are high rents. The other rents are precisely what they were 50 years ago. The usual rent of average lowland farms in Lleyn is £1 per acre or thereabouts." Madryn,

Temporary abatements amounting to 10 per cent. were said to have been made on the estate from 1885 to 1888 and in 1892 and in 1893, but no permanent reductions have been granted.

Gwynfryn,

The Gwynfryn Estate of some 6,500 acres, belonging to Mr. Ellis Nanney, was valued in 1876 by a man described as a practical farmer on an adjoining estate, the net result being an increase of about six per cent. on the previous rental. In one case the increase then made has since been taken off, and that constituted the only permanent reduction made on the estate. Abatements of 10 per cent. have been given in 1886, '88, '89, and '93, and the whole (or a portion) of the tithe has also been remitted in addition.

And Col. Wynne Finch's Estates.

The Cefn Amwlch estate of 5,600 acres in Lleyn, as well as the Foelas estate (9,000 acres) in West Denbighshire, belongs to Col. Wynne Finch, who said that though the acreage of the two estates were unequal their rentals were very much the same, the Foelas Estate consisting of much mountain land.

Both properties were valued on succession in 1870, resulting in a net increase of 12½ per cent. on the previous rental. The following is an analysis of the valuation: "Out of 63 farms on the Foelas Estate, the rents of five were reduced by an average of 7 per cent., 14 remained stationary, and 44 were advanced, the increase amounting to 20 per cent., or taking all the holdings on the estate together, there was a net increase of 13 per cent.

Out of 85 farms on the Cefn Amwlch Estate, the rents of 30 remained unchanged, one small holding only was reduced (namely, from £8 to £7), while the remaining 54 farms had their rents increased by an average of 18 per cent., resulting in a net increase for the estate of 11 per cent.

Since then permanent reductions amounting to £122 have been made, while the abatements have been 10 per cent. in 1886-89, 15 per cent. in 1892, and 20 per cent. in 1893.

Since 1872, over £25,000, or a little more than £1,100 a year, had been spent in repairs and improvements on both estates.

"Mr. Hugh Owen, who, as foreman carpenter and clerk of the works, was for many years in charge of the building operations on the Foelas Estate, gave some further evidence with reference to that property, which may be referred to here, though, strictly speaking, it belongs to Denbighshire. He said:—

'When the present landlord got the estate it was in a very wretched condition throughout, except a very few places. You heard what he spent and you heard that he had the estate re-valued about 1870. But Colonel Finch did not tell you yesterday how his rents were increased after

buildings had been erected when he was landlord. Almost the whole of the farm premises which were repaired or rebuilt, or built anew had their rents raised;' that is, as we understood him, the rents fixed by the valuation were further raised subsequent to the erection of new buildings. Witness said that he had very often to interpret between the agent and the tenants, and he felt very much at the time that 'it is a pity the agent did not speak Welsh.'"

He then referred to the case of a farmer holding one of the largest farms on the estate, whose rent was raised after he had made some improvements—the landlord having also made other improvements at the same time—and, he added, the increase in the rent discouraged the tenant:—"I thought to myself if that man had been given a present, or some acknowledgement to encourage him in his work, instead of raising his rent, things would have been very different."

Typical complaints as to rents,

Numerous complaints as to the raising of rents in various parts of this county also are quoted in the Report, but a few specimens only need be reproduced here.

in Eifionydd.

As to the southern part of Carnarvonshire, or the district of Eifionydd, Mr. H. Roberts, an auctioneer, valuer, and farmer, of Portmadoc, stated that 'rents had been generally raised throughout the district during the last 30 years from 15 to 30 per cent. During that time the landlords had spent nothing on the land in the way of improvements.'

Leases were shown to have formerly prevailed in this as in other parts of Wales, and several witnesses incidentally referred to cases of rents being raised on their expiration, Mr. Roberts, for example mentioned the following cases as coming within his own knowledge:—

"His father purchased, about 1830, the remainder of a lease for lives which expired in 1865. The holding under lease was 140 acres, its rent then being £150. After the expiration of the lease the farm was divided, 50 acres were taken away and the rent was advanced £58 19s. As to this the witness said: 'The fact is the rent was raised in proportion to the improvements made.' 'About 1850, my father,' he continued, 'took about 40 acres of adjoining land, at a guinea an acre rent. He made new fences everywhere on the land, except a portion of a fence adjoining the high road, and made several large stone-covered drains that are almost in as good condition now as when they were made. About the year 1860 the rent was raised to 30s. an acre. In the year 1866 nine acres were taken from his widow and children (my father was dead now), in addition to what was taken by the railway, and the remaining 29 acres let to his widow for £2 2s. 6d. an acre, while the same quality of land on the other side of the road was let for the same rent until last year when it was sold.'

He also mentioned the case of another farm, Llanerch, on the Tremadoc Estate: "Its rent in 1823 was £51. There was a lease on the farm, I think, which expired in 1823: the rent then was £51. It was raised in that year to £102. In the year 1860 it was raised to £140. In the year 1867 it was raised to £160,' at which we understood it to have since remained."

"As to the immediate neighbourhood of Criccieth, Mr. Richard Owen, a retired tenant, who spoke with 50 years' experience of farming in the district, made the following statement:—

'The rent of nearly every farm in the district has been raised, and in some cases, raised considerably during that time.

For instance, there is Dolwgan, a farm I once occupied. Its old rent was £105, then it was raised to £110. The farm was then sold and bought by Messrs. Huddarts, of Brynkir, and they raised the rent to £320. I left when I understood that it was about to be sold. Messrs. Huddart only gave £5,200 for the place.' Witness then moved to a farm belonging to Lord Harlech: 'Its rent to my predecessor was £94, but it was revalued in my time and raised to £112 10s. There is another small farm near Criccieth called Tir ucha, the property of Mr. G. H. Owen, Ymwlch. The rent 25 years ago was £10 10s. It is now £29, the landlord paying the taxes, amounting, perhaps, to £2 or £3. There is Ystum-cegid, again, a farm near Garn Dolbenmaen, belonging to Lord Harlech, where the rent was raised £29.

'As a rule all improvements have been made by the tenant. It is impossible to get landlords to spend any money on the farm, the only thing they will do is, when it becomes absolutely necessary to get fresh buildings on a farm, to build those. It is the rule on some estates (the Gwynfryn Estate for instance) to give the materials only, the tenant paying for the labour.'

in Lleyn

Several witnesses made general statements as to the raising of rents in the district of Lleyn, or the peninsular part of the county—one of them (Mr. John Davies, of Caertyddyn, Llangybi,) saying that "some 25 to 30 years ago there was a general raising of rents in these parts, and there is many a farm I could name whose rents have been nearly doubled or trebled the last 40 or 50 years. There has been no permanent reduction made during these bad times. All that the landlords did was to extend the time for payment and allow a discount varying from £5 to £10 per cent. I got no reduction or allowance. I applied, but was told no allowance could be made to leaseholders."

Cases of hardship cited by Mr. Darbishire.

"Perhaps the strongest statement that was made to us in Carnarvonshire with reference to the increase of rent," the Commissioners observe in conclusion, "was that of Mr. W. A. Darbishire (of Nantlle), an independent witness, who described himself as a quarry owner, land owner, and estate agent. He said:—

'I have known cases of great hardships where tenants' improvements have been sold with land by representatives of deceased landlords, and the purchaser has raised the rent to nearly three times the previous rent, the tenant receiving no part of the enhanced value which the vendor realised.

'I do not like to give the names; but I knew one small farm not far from Groeslon. It was sold to a quarry agent. I know, as a fact, it was let at a low rent, and it was sold. The tenant had sat at a very moderate rent indeed. I think it was something like £18 a year; and he had built a barn and a cowhouse, which stood there on the land, and this was taken by the purchaser, the quarry agent, who immediately raised the rent to £54 10s. That is a case about which I could produce evidence if necessary. It was discovered by me in the process of appealing against the poor rate.

'I will give you another example which happened to myself. I will not give the name of the vendor, but I bought a small property from him for £800. It was in good order. There was a good building on it, or an old building considerably improved, and I paid £800 for it. The vendor took the whole of that money, and when I came to enter upon it I found the tenant had really during the last four or five years repaired and renovated the house. I appealed to the vendor to repay him some of the purchase-money. He would not. I paid the tenant some money myself in consideration of his outlay.'

This repayment Mr. Darbishire had made, he explained, as a 'good neighbour,' and he added that he ought to have been able to cause the vendor to pay some of his advanced price to the tenant, who had made the improvements. We quote the latter case, as it strongly suggests that if the purchaser had not been possessed of such 'good neighbourliness,' the probability would be that the rent of the sitting tenant would have been at once raised so as to bring in an adequate interest on the purchase-money.

MERIONETHSHIRE: Much land sold in the Seventies, and rents advanced in consequence,

It is within the last few years that holdings and portions of estates have been chiefly sold in Anglesey—as well as in several other parts of Wales. But it was chiefly in the seventies that much of the land of Merionethshire was placed in the market, and Mr. Doyle in his Report to the Royal Commission on Agriculture in 1882, refers to the matter thus:—

"Within the last 15 years [1867-1882] a great number of farms have changed hands in this county, and fetched at from 35 to 45 years' purchase. The rents of such farms have consequently been increased, and, two years ago, one of the unions in the county (Dolgelly) was re-valued, and the result was an increase of £18,000."

"With reference to this statement, Mr. Wynne, of Peniarth, said that an estate of over 6,000 acres adjoining his own had been put on the market, about the year 1876 or

1878, or thereabouts. 'It was split up into a great number of lots; in fact, it was sub-divided into an immense lot of small portions, the main part, however, being sold with the mansion, but,' Mr Wynne added, 'I believe the present rental of that estate (I am only telling you from hearsay) is much lower than it was when the present owner bought it in 1878, or thereabouts. Since then there have been a certain number of farms that have changed hands in the neighbourhood. I have bought some myself, and the produce of them does not pay certainly more than 2½—not 2½ per cent.—not a bit more.' Unfortunately, we omitted to inquire the number of years' purchase which these purchased holdings fetched, but Mr. Wynne mentioned that in the case of one farm which he had bought about 1891, he had 'had to reduce £15 on the rent directly.'"

A striking feature of the Merionethshire evidence (pp. 433-9) was the effect on rentals of sales carried out when agriculture was in the most prosperous and progressing condition.

"Speaking with reference to the parish of Llandderfel, between Corwen and Bala, Mr. Thomas Jones, the county councillor for the district and a land valuer of experience, said:—

Either before or after the sales.

'Rents were advanced before the land was sold,* and again by the new proprietors, and remained so up to 1880. Some have remained so up to now, but others have been reduced, and abatements were given in 1886-87, and in 1892-93. One farm was advanced equal to 60 per cent., and still remains so.'

"One of the purchased estates in this district is that of Palé, which extends to about 5,000 acres, exclusive of sheep walks. The owner, Sir H. B. Robertson, stated that it had been purchased at various times, the first purchase dating from about 1859: "I believe that in some cases the rents were raised a bit at the time the property was purchased—they were raised against new buildings and improvements. The buildings were to be put in order, and the rent was to be then fixed by the valuation of an independent valuer," a practice which according to another witness is extending. Permanent reductions had been made of recent years, amounting to 7½ per cent. on the gross rental. Besides these, abatements of 10 per cent. were made from September,

* In one case it was definitely suggested that the vendor's valuer had valued a farm above the rent then paid for it, in order that the purchaser (Mr. Robertson) might pay a better price for it. *See* Qu. 18,047-9, 18,077.

1885, to March, 1889, and for the year 1891-92, and 15 per cent. on the half-year's rent, in the following year.

Statement of Mr. T. E. Ellis, M.P.

Mr. T. E. Ellis, M.P., also referred to the case of the Palé Estate, in enumerating typical circumstances connected with the raising of rents generally in the county† :—

"Sometimes rents are raised in order to put the estate in the market. This was the case on the Palé Estate prior to its purchase by the late Mr. Robertson. Sometimes they are raised after purchase, as was the case on the Tottenham Estate, lower down the Dee Valley, under the regime of an estate agent named Mr. Sharpe. Sometimes they are raised on what is called a re-valuation. In 1876 the Rhiwlas Estate was re-valued by Mr. Jenkins, then of Plas yn Ward. At one stroke, the rent of every farm was raised, the rise varying from 8 to 33 per cent. The impression of the country side is ineradicable that the rents were in many cases raised above Mr. Jenkins' valuation. Mr. Jenkins is still alive, and I suppose the document is in existence as well. Mr. Price, in his evidence, dismissed this re-valuation (which on his own admission amounted to 17 per cent.), in a line and a half. But it is difficult for me to give the Commissioners any impression of the disheartening effect which that re-valuation had on the agriculture, and on the spirit and good heart of the tenantry of Rhiwlas."

The evidence of Mr. Ellis—himself the son of a tenant on the Rhiwlas Estate—was corroborated by several witnesses (a number of specific instances being quoted in the Report). Mr. Price, the owner, said that the rental of the estate had been raised, in the year after the valuation, from £9,060 to £10,579, which meant an increase of about 17 per cent. As to the valuation itself he was unable to produce it, inasmuch as it was with his solicitors in London. Allowances of lime to the value of about 5 per cent. had been granted in 1885; in 1886 certain of the tenants petitioned the landlord for an abatement. Those who signed the petition received 5 per cent., those who did not were granted 10 per cent. In 1888, however, a general permanent reduction was made, averaging nearly 18 per cent. for the whole estate.

"With reference to the upper part of Llanfor and Llandderfel parishes, in the same district, we received from one of our witnesses some interesting tables showing the increase of rent during the last 50 years, and, in a few cases, during a whole century. In 1793, the total rent of four specified farms amounted to £45, in 1859 it was £152, and the farms being subsequently sold, the rental went up at one time to about £225, but a few slight reductions have since been made. Thus, the rent was more than trebled between 1793 and 1859, while a further increase of nearly 50 per cent. was made, so that at one time the rent

† Qu. 16,915.

amounted to five times the figure it stood at in 1793. The effect of sales was also made apparent in the case of several of the other farms mentioned by this witness: the rent of another set of four holdings in 1859 was £143 15s., in 1876, after at least three of them had been in the interval sold, £252, and in 1893, it was £209—a fluctuation which showed an increase between 1859 and 1876 of 75 per cent., and a subsequent decrease of about 17 per cent., making a net increase since 1859 of 40 per cent."

After giving other instances to a like effect, the witness sums up his evidence thus:

'The rents of most of these farms were raised before any new buildings were made. Rents have been raised from the year 1852 to 1888 50 per cent., after 1888 they had been reduced 15½ per cent.' A somewhat similar statement was also made by another witness, speaking chiefly as to the township of Nantffriar, in the parish of Llandderfel, and as to the Rug Estate: 'During the last 30 and 40 years, rents have been raised generally from 35 to 45 per cent.; during the last five years reductions have been made on a few farms, and temporary abatements varying from 5 to 15 per cent.' (p. 435).

Purchasers frequently obliged to reduce rents after buying.

"There is reason to believe that in the case of several other estates, besides that of Palé, which has already been mentioned, rents were raised previous to sales, with the result that purchasers had subsequently to make considerable reductions in the rentals. This is well illustrated by the history of the Aberhirnant Estate, now belonging to Sir Edmund Buckley. Its previous owner, with the view of selling, gave notice to all the tenants, but at first failed to sell. He then tried to raise the rents, but all the large farmers left. The estate was then, or soon after (namely, about 1871) bought by Sir Edmund Buckley, but it was practically without tenants. He had, consequently, to make great reductions in the rentals so as to be able to let the farms at all, and at a subsequent period further reductions had also to be made, so that a total rental of £1,010 in 1870 had by 1882 been reduced to £857, and by 1893 to £696, showing a total decrease of about 45 per cent within 23 years.

The following instance is from another part of the county. The rents of several farms which now form part of the estate of Mr. R. H. Wood, in the district of Trawsfynydd, had been raised by an average of 32 per cent. from what they were about 50 years ago, but subsequent to their purchase by Mr. Wood considerable reductions have been made, so that the rents were said to be now less than what they were 50 years ago. No permanent reductions have been made by Mr. Wood in the case of inherited farms, a fact which brings out more clearly the excessive character of the rents charged for the purchased holdings at the time of their acquisition. In the case of the former class of holdings, abatements have been granted amounting to 25 per cent. in 1886-88 and 20 per cent. in 1892-93

Mr. Wynne, of Peniarth, seems also to have had a similar experience—namely, that of buying farms with high rentals which had to be subsequently reduced—as may be seen from the following evidence of the Rev. W. Davies, of Llanegryn, who spoke as to the districts of Towyn and Llanegryn, where the Peniarth estate is mainly situated. After stating that rents in the district generally are now considerably higher than they were 35 or 40 years ago, he gave particulars concerning nine holdings, the aggregate rent of which had been advanced within the period mentioned by an average of over 27 per cent. The Peniarth Estate.

"As to one of the farms in question (Tonfannau), he said: 'The rent in 1875 was £163; it has been sold since that three times, and it was advanced to £215, and when Mr. Wynne bought it last time, he reduced the rent to £200.' Mr. Wynne himself informed us subsequently that he is now further allowing an abatement of £30, paying the tithe (£4 18s.), so that the actual rent payable at present is about £165. 'The other farms [Mr. Davies continued] belonged to six different estates, and I think they are fair samples of the advancements in the farms of the district, taking Towyn district generally during the last 35 years, except on Peniarth and Peniarth Uchaf estates. It is seldom, if ever, an advance is made by Mr. Wynne or Mr. Scott but when there is a change of tenant, and even then they are more moderate than many other landlords. But though there were no great advancements on the Peniarth Estate, yet most of the farms bought by Mr. Wynne—he has bought many lately, within the last 15 years—are much higher than they were 30 years ago. The advance was made before he bought them. Some farms in the district have been let to new tenants at considerable reductions in these last years, and reductions have been made in a few cases to sitting tenants, but cases have also occurred in which the sitting tenants were refused any reductions; but when the farms were given up by them they were let to new tenants at reduced rents. Dyffryngwyn in the parish of Towyn is one instance; the sitting tenant was refused any reduction, but the farm was let to a new tenant for £20 less rental' (p. 437).

"The rents on the Peniarth estate (which comprises a little over 9,000 acres) have not been generally raised for 50 years," said Mr. Wynne. "I have got the valuation of the estate made in 1842, when it once was offered for sale, and the rents of many farms are cheaper now than they were then, and the estate has never been re-valued since. A few farms have been raised for drainage, but the outlay is enormously in excess of any sort of percentage that I get for it. I have many farms that are at the same rent now as they were in 1830."

Rents are occasionally raised "in the case of a change of tenancy and none of the same family succeeding." The gross rental, which in 1893 stood at £4,430, has been permanently reduced, since 1878, by about $4\frac{1}{2}$ per cent., or since 1880 by $3\frac{1}{3}$ per cent. Abatements varying from 5 to 15 per cent. were made between 1885 and 1893, with the exception of 1890-1.

The Rev. Wm. Davies, whom we have just quoted above, traced the history of the rentals of numerous farms in his district, but we shall quote his statement as to one only, viz., Taltreuddyn bach, which has been for generations, and is still, in the occupation of his family.

The rise in a holding's rent during 100 years

"One hundred years ago, in 1795, the rent to my grandfather was £25. Some few years after (about 1799) the landlady died, and her son succeeded her, the rent being raised to £45. My grandfather died in 1807, and the rent was then advanced to £60 for his eldest son (my uncle) who succeeded as tenant. My uncle made great improvements. He reclaimed a great deal of waste land and made it into several new fields. He built new stone walls around almost all the fields on the farm, built a large hay shed and some other buildings entirely at his own expense, and his rent was advanced to £77 some time after 1846. Then the Cambrian Railway went through the farm and took a good portion of it, but no reduction or compensation was given to the tenant. My uncle died in 1864 and his widow became the tenant, and in 1873 the rent was advanced again to £97. The widow died that year and her daughter became the tenant, and she held it for ten years, but finding that she was losing money every year she gave it up, and now her brother is the tenant, and the rent is advanced to £100. The tenant has done all the repairs on the farm and is allowed nothing towards them. About 60 years ago the landlord built a house, cowhouse, and stable, but nothing has been done ever since by the landlord save letting the farm and receiving the rent. The estate, I believe, is heavily mortgaged, and probably advances were made to cover the interest. But such cases, which are numerous over the country, make a profound impression on the tenantry."

The boundaries of the holding, Mr. Davies explained, are the same as they were a century ago, excepting the acreage taken for the railway, but in the meantime the rent has been nearly quadrupled.

Similar evidence was given "by another independent witness," Mr. R. F. Jones, a schoolmaster, who spoke with more particular reference to the neighbouring district of Llwyngwril, where the land chiefly belongs to the Countess de Morella and the late Mrs. Royle.

'The property of the latter was re-valued about 1875, with a consequent rise in the rent of each farm. On the other properties no general valuation has taken place, but there has almost invariably been an advance in the rent when a farm has changed hands as well as to the occupying tenant. In the case of old tenants of Mrs. Royle, the rent was raised on the tenants' own improvements. In some cases on other properties, where no apparent rise in the rent took place, the farm was actually dearer, as the railway had taken some of the best land, and the rent remained the same. There are a few cases of reductions owing to exceptional circumstances, such as Hendre, a large farm requiring much labour, for which it has been difficult to get a tenant. The general advance in the rents of this district during the past 30 or 40 years is from 25 to 35 per cent. On all the properties there have been in late years temporary abatements varying from 5 to 15 per cent. on most of the farms in the district.'

Instances, which we need not reproduce, are then quoted in support of this statement.

The Coast District—Barmouth to Harlech.

The Commissioners observe that the construction of the Cambrian Railway along the Merionethshire coast may probably have contributed somewhat to increase the value of some of the holdings referred to by these witnesses.

Influence of railways.

With reference to the neighbourhood of Barmouth, Mr. Vincent suggested in one of his questions that the rise in rents was there due to the fact that the district had 'been opened up by railways, and a good market arisen at Barmouth for agricultural produce.' In the case of nine farms in the parish of Llanddwywe, an average increase of 38·4 per cent. had occurred during the last 50 years, while as to the adjoining parish of Llanaber (in which Barmouth is situated) the increase since 1863. in the case of 11 farms, averaged 44·0 per cent. The witness who gave this evidence referred also to a farm he had formerly held. When his father took it, about 1845, the rent was £55. About 15 years after, it was raised to £60. Three-fourths of an acre of 'the best land' was taken from it towards the parish graveyard without notice or allowance. The railway, when it went through, also took about three acres, but no reduction was made. In 1871 witness took it after his father had given it up, and the rent was then raised to £80, but witness left in 1872. His father had built some walls but he received no compensation for them.

As to the district of Harlech—higher up on the same coast—Dr. R. T. Jones stated : 'Rents had been varied upon almost every estate, but the additions had been by no means uniform ; the increase had been from 10 to 30 per cent.' He was unable at the time to produce statistical evidence in support of this statement, but he subsequently forwarded us a 'list of farms on which the rents have been raised' in his district.' In several of the cases there given, the advances had, however, been followed by reductions within the last few years. The witness also added that 'about 20 to 25 years ago all the rents on Mr. D. W. Kirkby's estate were raised 20 per cent.' In his evidence-in-chief he gave us one instance of fluctuation in the rent of a farm of 150 acres. 'Some 30 years ago it was £104. It was subsequently advanced to £170. The present tenant took the farm some seven years ago at £150. Previous to 1863 the tenant had built a place for his hay at a cost of £40. After 1863 the tenant built another outbuilding at a cost of £60 ; he also drained the land at his own expense, besides greatly improving it with lime, manure, seeding, cake feeding, &c. The landlord, in the years 1865 to 1870, spent about £300 on the house and allowed a later tenant £20 for repairs. The present tenant has the right of shooting all game, which was formerly reserved.' A few abatements have also been granted within the last few years.

As to the parish of Maentwrog, Mr. Alderman Hughes, who represented an association of farmers in the parish, said that the farmers fancy the rents to be too high by one-third, taking the parish generally, though some owners had given permanent reductions and others abatements.

Among the former appears to be Mr. Oakeley, of Tanybwlch, who has permanently reduced the rents of 36 farms by amounts varying from 7½ to 42 per cent.

Evidence as to Wynnstay Estates dealt later.

Merioneth is the last of the six counties which we grouped together under the general title of "Western," so that we have now completed our summary of the evidence with reference to the whole of the group, except as to that portion of Sir Watkin W. Wynn's estates which lies in Merioneth. As the bulk of the Wynnstay property is, however, situated in Montgomeryshire, it will be more convenient to postpone our consideration of evidence as to those estates until that county is reached.

CHAPTER VIII.

HISTORY OF WELSH RENTALS—*continued.*

1.—EASTERN OR BORDER COUNTIES OF NORTH WALES (DENBIGH, FLINT, AND MONTGOMERY).

DENBIGHSHIRE

West Denbighshire closely resembling Western Counties.

The Eastern or Border Counties in North Wales are those of Denbigh, Flint, and Montgomery. Denbigh and Flint may for the most part be treated together as one county, as their boundaries in places are rather intermixed. Moreover, that portion of them lying west of the river Clwyd, closely resembles in many respects the adjoining districts of Merioneth and Carnarvon, and on that ground it might be more properly treated along with the Western Counties than under the present head. It shall be taken first however. The Foelas Estate has already been dealt with, under Carnarvonshire (p. 246), while reference has also been made to the exceptional character of the expenditure on the improvements on two other estates in this district—that of Hafodunos and Garthmeilio (p. 208).

Purchased Estates: Hafodunos.

The history of the former estate is interesting (p. 440) : It comprises about 5,000 acres, situated chiefly in the parish of Llangerniew, and was purchased about 1833 by Mr. Sandbach, a well-known Liverpool merchant. The rents were fixed about 1834, soon after the purchase of the estate, and there has been no valuation since. In the case of a new tenant, the old rent is usually taken as a basis, and any necessary adjustment is then made. For sitting tenants, the rents have never been raised except by way of interest upon capital expenditure of the landlord, 5 per cent. being in that case the usual charge.

As to fluctuations in rental since the purchase, the following facts are derived from tables supplied to the Commission :—

"In comparing the rents in 1832 and 1834 we find that the rent of eight farms had gone up 26 per cent., and of another eight had diminished by 26 per cent., while three had remained unchanged, there being on the whole a net increase of 1 per cent. Between 1834 and 1861, the increase on 14 farms averaged 15 per cent., but a decrease of 33

per cent. had taken place on three farms, while two were unchanged, the result on the whole being a net increase of 1 per cent. Between 1861 and 1893, eight farms showed an increase of 18 per cent., and the remaining 11 a decrease of 19 per cent., or a net decrease on the 19 holdings of 11 per per cent. Comparing the rental of the farms in question before 1832 and at present, we find that an average increase of 35 per cent. has occurred in the case of six farms, an average decrease of 24 per cent. on 11 farms, while the rents of two farms are the same—the net result on the whole being an average decrease of 9 per cent. The permanent reduction on the whole estate between 1883 and 1893 amounted to 17 per cent. upon the former rental. An abatement of 10 per cent. had been previously made in 1882. The present rental of the estate was said to be about £3,000. During the last 60 years, it is estimated that over £100,000 has been spent on the estate.

"We have reason to believe that the expenditure on improvements on this estate is of an exceptional character, and that it would be impossible for many landlords to reach the same high standard of liberality in the management of their properties as that for which the Hafodunos Estate is justly famous. It furnishes one of the best examples of the great advantage resulting, in some cases, from the investment of money in land by wealthy men from the industrial districts in England.

And Bodnant (H.D. Pochin).

Another example of such an investment, but with a somewhat different result, is afforded by the history of the Bodnant Estate, a property measuring from 2,500 to 3,000 acres in the neighbourhood of Conway, and formerly belonging to Mr. William Hanmer. It was purchased some twenty years ago for about £36,000 by the late Mr. H. D. Pochin, who, in giving evidence before us, was unable to tell what its rental was either prior to the sale or at the present time, but said that the net income to him on the total capital invested (which amounted to £86,000) was between 2½ and 3 per cent., 'and it is the poorest investment I ever made in my life,' he added; 'I have made a great many investments; I never made anything so bad as this. I was told then, of course, the usual statement, I daresay—but there was not very much in it—that all the tenants were very low-rented, and that is the reason I asked Mr. Bell (the agent), as an expert, to go over it and settle definitely the amount that was fair as between landlord and tenant.' Evidence with reference to the estate was given us by several tenant-farmer witnesses. One of them, the member of the county council for his district, said

that the rents on the whole estate, with the exception of one farm, were raised after its purchase by Mr. Pochin, with the result that all the old tenants except one, have by this time left the estate. According to Mr. Pochin's own statement only 21 out of a total of 25 tenants have left, the chief reason, he alleged, being that many of them became insolvent through becoming security for other tenants. Mr. Pochin also said that he had given reductions to his tenants when they paid their rent, but had never had anything like a general application to reduce them."

Exceptional expenditure on Garthmeilio Estate.

Reference has also been made to the exceptional expenditure of recent years on the Garthmeilio Estate (about 5,200 acres), chiefly in Llangwm parish. As to its rental, the following facts are derived from tables produced by Colonel Lynes, the present owner; showing the rents of most of the farms at four different periods. "The rental (omitting one farm for which particulars are not given for each of the periods compared) in 1859 was £887 2s., in 1863 it was £1,062 9s. 2d., in 1872 £1,170, and in 1893 it had fallen back to £1,012 10s., or a little less than it was in 1863. The increase between 1859 and 1863 averaged 18·6 per cent., between 1863 and 1872 it was 11·2 per cent.; but during the 21 years between 1872 and 1893, namely, the period when Colonel Lynes succeeded to the property, the rents were reduced by an average of 13½ per cent.; but they are still more than 14 per cent. above what they were in 1859. Since Col. Lynes's succession more than half the gross rental has been spent on improvements, but prior to that time "the buildings had been neglected seriously for many years," according to the statement of Mr. T. Thomas, the county councillor for the district (p. 442). This witness, however, put the rise in rents for the whole estate higher than the percentage given above :

"'Rents have been advanced on the estate to the extent of 45 per cent. in two instalments. Notwithstanding the reduction of 20 per cent. made about two years ago on the estate, the complaint still is that the rents are too high. The first advance of 20 per cent. was made about 30 years ago, and in a short time after a *seven years' lease was forced* on all tenants, and the agent demanded £12 from every tenant as legal charge for the document. There was a clause in the lease binding the tenant to do all repairs necessary during the seven years at his own expense. The object of forcing this lease upon the tenants was to increase the takings from the estate, and to save money by compelling the tenants to repair the buildings for seven years. Some of the tenants at

that time expended £50 to £60 on the buildings. The second advance of 25 per cent. was made about 20 years ago. In 1890 and 1891 an abatement of 10 per cent. was given to all the tenants that paid their rent in full on the appointed day; others that could not pay in full did not receive any abatement at all.'"

Two Large Estates: Lord Bagot's,

One of the larger estates, from the point of area, in West Denbighshire, is that of Pool Park, extending to some 19,000 acres, and belonging to Lord Bagot. The following was the statement of the local agent with reference to this estate :—

"The total present rental, including sporting rents, is £7,496. The rental in 1848 was £5,940, but this did not include the sporting rents, and the rent of the Hall, which was at that time in hand, and since then several purchases have also been made. The rental at present is, having calculated what has been sold and purchased, about £500 less than it was at that time. In 1866 a valuation of the estate was made by Mr. Palin (agent for the Hafodunos Estate), who stated that the farms were underlet, but the rents were not raised in consequence of his valuation.

In 1859 Lord Bagot made a considerable purchase of land in the upland parishes of Llangwm, Llanfihangel, and Bettws, and, the buildings thereon being in a very dilapidated state, a large outlay had to be incurred in erecting new buildings. The agent estimated that nearly £98,000 had thus been spent on the estate, in one form or other, during the last 39 years, but no particulars of this expenditure was supplied us. There had been a considerable re-arrangement of farms on the purchased property—land been added to some and taken from others, while there appears to have been an allotment of common land as well. Rents had to be changed owing to these re-adjustments [as to which a few complaints were made], but, according to the agent, "there had been no advances but on additional land."

Statements made by two ex-tenants are referred to (p. 443) in illustration of the management of this estate :

"As to a farm called Plas Clocaenog, it was stated by an ex-tenant that it had been held by his family for over 40 years; on succeeding, after his father's death in 1892, he appealed for a reduction in his rent from £120 to £100, but this was refused and he consequently left. The estate agent referred to the case as follows: 'Mr. Hughes (the father) in his lifetime never complained of the rent, and everything went well up to his decease. . . . After his death the son applied for a reduction, but as his father had not applied in his lifetime, or made any complaint in reference to rent, the same was not granted him and subsequently he gave notice. When this became known we had at once nine or ten applicants. After giving him ample time to consider whether he would retake it, it was let at the same rental.'

Another tenant, who for about 15 years had held a large farm on the estate, had also left, about 1890, because he could not get his rent permanently reduced. 'I asked for a permanent rent,' he said, 'to have it the same exactly as I was paying by having an abatement. I wanted it settled.' It appeared that the reason for 'not making the abatement a permanent reduction was, that it would open a precedent for all the others.' The tenant thereupon left the district altogether and took a farm of over £300 rental near Mold, while his old farm was let to a new tenant "at the same rent, but with an allowance for lime and artificial manure."

And Mr. H. R Hughes of Kinmel's.

"Far exceeding the Pool Park Estate in value and the fertility of its land, and not much less in area, is the estate of Mr. H. R. Hughes, of Kinmel, comprising about 17,000 acres, most of which is in the lower part of the Vale of Clwyd. The total rental of the agricultural land (exclusive of 118 cottages and shops and royalties from quarries) was stated to be £17,440. Permanent reductions have been made of recent years amounting to £1,254 per annum, or about 6 per cent. of the rental. In addition to this, a temporary return of 10 per cent. had been made on the rents of twelve half-years prior to our visit. Both the reduction and abatements granted came to a total of £11,195. 'The expenditure on the estate is 35 per cent. of the rental, and this, together with the reductions and allowances, leaves hardly 50 per cent., or half, for the owner.' Elsewhere it is stated that 'the rent-rolls of 1812 show rents (? some rents) to have been considerably higher than now.'"

Smaller sized estates.

The present rents on Mrs. Naylor Leyland's Nantclwyd Estate (about 4,000 acres) were said to be "about 25 per cent. lower than they were from 30 to 50 years back, although in the meantime a railway has been constructed running through the heart of the estate, with a station in a central position, affording access to all parts of the kingdom."

In 1881, and again in 1885, abatements of 10 per cent. were given on the year's rent; in 1886 permanent reductions were made varying in amounts up to 20 per cent., but though new agreements were subsequently adopted on the estate, the old rents were entered in them without alteration. From 1892 on, abatements of 5 per cent., have also been granted, and the expenditure on the estate is described by the Commissioners as "exceptionally large."

Particulars are also given of several of the smaller properties in West Denbighshire. The rental of the estate of Mr. W. D. Griffith, of Garn, which amounts to 2,225 acres, chiefly in Henllan and Llannefydd, was £2,060 in 1883 and £1,723 in 1893, or less by 16 per cent.

As to Mrs. Williams-Wynn's Cefn Estate (of some 2,000 acres) the rental was said to be now less than it was in 1849, but no details were given.

Some 25 farms, belonging to Capt. Wynne Edwards and situated chiefly in Nant Glyn and Llansannan parishes, produced between 1858 and 1885 an annual rental of £1,107, but their present permanent rent is less by £117 or about 10½ per cent., but the average rent paid for 1892 and 1893 was £903, showing a further reduction of 8½ per cent.

General statements as to variations in rentals.

Some general statements were also made as to several other estates in these districts. As to the parishes of Llansannan and Llanfairtalhaiarn, there was a valuation, some 40 years ago, of the Duffryn Aled Estate (about 4,000 acres), now belonging to Mrs. Wynne Yorke, and the rents were then raised, but a permanent reduction of 10 per cent. has been recently granted.

"Upon the Llewesog Estate, all the rents were raised by Mr. Williams immediately after the purchase of the estate, . . . in most cases, from 30 to 50 per cent., while on some of the smaller holdings the increase was even greater." A permanent reduction of 10 per cent. was, however, made about ten years ago.

Several witnesses alleged that rents had been raised on the tenants' improvements, "even within the last few years," on the Garthewin Estate of Mr. Wynne. The Poor-law Guardian for Llanddulas parish, for example, said—

"I know of several farmers who took farms in our district in a very uncultivated state, and after many years of untiring labour were able to bring their farms to a high state of cultivation. What has been the result? Mr. Wynne (the landlord) visited those farms during the harvest season and increased their rents; in one case a rise of £17 was asked, but after some correspondence he imposed an increase of £10. . . . The very gentleman who owned these farms whose rents were raised made a public auction sale, and, strange to say, all those farms that were brought through the labour of the farmers to higher cultivation were sold when the other farms were not bid for. I have only given you one instance. I can give you many, but I do not want to tire you."

As to the estate of Colonel Mainwaring, Galltfaenan, the rents were said to have been "stationary," though some have been reduced. There have been large abatements."

An ex-tenant of the Llanbedr and Bathafarn Estates, a heavily-mortgaged property which lies on the eastern side of the River Clwyd, said that the rents had been raised twice during the last 50 years, the first rise taking place about 40 years ago, and the second in 1876, after a re-valuation by a London valuer, its object being to raise the rent if possible all round. The statement made by this witness as to his own holding has been already quoted in illustration of the fact that the Agricultural Holdings Act for the *sitting* tenant (p. 130).

Rents in Vale of Clwyd.

With reference to the Vale of Clwyd generally, the following statement is quoted from the evidence of Mr. Owen

Williams, of Glan Clwyd, one of "the leading land valuers of the Vale":—"Rents have been raised on almost all the estates along the Vale of Clwyd during the years between 1840 and 1880. In the last ten or twelve years there have been permanent reductions. In most cases temporary abatements were given, from 5 per cent. to 25 per cent., and there may be some instances of even more than that. On a good many of the estates, as well as on individual farms, the rents have been raised or reduced on a re-valuation conducted in several instances by men from London or other distant places. These valuers proved themselves most unfit for the work. I shall have to point this out on the Llanrhaiadr Estate, for one, in years gone by, and the Garthewin Estate."

As to the former of these estates, the Commissioners subsequently elicited that "the re-valuation was made about 1874 or 1876, and that, as a result, only about two out of 25 of the old tenants are now living on the estate."

"Another land valuer, who is also a tenant farmer and a land agent in the district, said: 'Rents are very uneven, some farms are very reasonably rented, and others are 20 per cent. too high according to the average of agricultural produce; a general reduction of 10 to 20 per cent. has been made on most estates in North Wales, in addition to previous reductions, without being asked for by the tenants.'

Ruthin Castle Estate.

The Commissioners next deal (p. 447) with the evidence as to the Ruthin Castle Estate, of which one portion lies in the Vale of Clwyd, and the other in Llanarmon Dyffryn Ceiriog, in East Denbighshire. "The two estates, of which Colonel Cornwallis West is tenant for life, comprise about 10,500 acres, inclusive of sheep walks, and its purely agricultural rental was stated as £6,390.

'In order to demonstrate by a few instances the rather stationary character of rent for 75 years,' Colonel West had extracted from documents in his possession the following particulars as to five farms on the Llanarmon Estate:—

'These farms, in 1819, comprised 1,306 acres, and the rent was £1,394. Those farms, having been reduced by about 100 acres, are now 1,184 acres, and the rent is £1,267. The average rent per acre for the above farms in 1819 was £1 1s. 4d., and in 1894 £1 1s., so that the rent now is actually 4d. per acre less than it was 75 years ago. Taking the Llanarmon Estate as a whole, with an acreage of 5,979, I find the average rent per acre, if sheep-walk of 3,441 acres is included, is 4s. 5d., if excluded, 10s. 8d.'

Colonel West also emphasised the fact that the buildings had been erected, and were being kept in repair by the landlord. Taking six farms on the Ruthin Estate, comprising altogether 465 acres, he said: 'The rent of those is £472 10s.; the value of the buildings is £8,100. The interest on that would be £324, and the balance of the rent would be £148 10s.

'Then on the Llanarmon Estate I take 12 farms, and, including the sheep-walk, those 12 farms comprise 4,623 acres. The rent is £874 10s., the value of the buildings is £16,400. The interest on that would be £656. The balance of the rent would be £224 10s.

As to the Llanarmon property, most of which appears to be at a high elevation, an interesting statement made by an aged tenant is thus quoted (p. 447):—

"I remember four different valuations during my tenancy. The *first* was that made by Mr. Aytes about 45 years ago. The probability is that that valuation was not adopted, inasmuch as an advance of 1s. 6d. in the pound was made on all without distinction. The *second* was the valuation made by Mr. Hill, about 38 or 40 years ago. After Mr. Hill's valuation all the farms remained unlet for 18 months, and during that period Mr. Hill worked a slate quarry at Blaen-y-cwm, at the upper end of the valley. He was therefore in the habit of travelling backwards and forwards along the valley during different periods of the year. He told me himself, during that period, that he was glad the farms were not let at his valuation, that he had seen the country during different seasons of the year, had noticed the great length of the winter, and also the two recent harvests, and that in consequence he had altered all his figures on all the farms. The *third* valuation was that of Mr. Jenkins, made about the year 1873. Mr. Jenkins came from the Vale of Clwyd, and I consider a person from a place like that totally unfit to value land in a country like ours. I have never in my life seen but few years together when the tenants were able to pay on this valuation, and I have no doubt whatever that his valuation has done harm to the estate, and to the circumstances of the tenants. In the course of a few years after this all the tenants made an appeal in writing to Colonel West for an abatement of 10 per cent. in their rents. This appeal was signed by all the tenants, and forwarded to Colonel West through an agent in Oswestry. After waiting long for a reply to this petition, I wrote a letter to Colonel West personally to the same purpose, and for a still larger abatement in the rent of one farm, as it was exceptionally high. An immediate reply was received, granting a general abatement of 10 per cent., and in the case of the above-mentioned farm an abatement of 18 per cent. This abatement was granted for some time. One of the tenants asked permission to appoint a valuer to meet the one appointed by Colonel West, for the purpose of valuing his farm. This was granted, and, as the tenants were unwilling to pay the old rent, Colonel West sent his own valuer, Mr. Williams, Middleton, to value the remainder of the farms. Mr. Williams understood the nature and circumstances of the neighbourhood, having himself held a farm there."

This *fourth* valuation has resulted (according to the Report) in "very considerable reductions of recent years, and this applies to the Ruthin as well as the Llanarmon estate. Nearly all the farms had been reduced from 10 to 20 per cent., and some as much as 25 to 30 per cent., while

an additional abatement of 10 per cent. had also been granted for the last few years on the Llanarmon Estate.

Chirk Castle Estate.

"Perhaps one of the chief estates in East Denbighshire at the commencement of the century was that of Chirk Castle, which since the middle of the 17th century had belonged to the Myddelton family, but about 1819 was divided among three co-heiresses; one portion of it now forms the Llanarmon Estate of Colonel West, with which we have just dealt, while that portion which now bears the name of the Chirk Castle Estate is at present owned by Mr. R. Myddelton Biddulph.

At present this estate comprises about 10,000 acres, but the evidence tendered to us was confined to 7,640 acres, or 34 farms, the rent of which was stated to be £5,708. In 1875 the rents of some farms were slightly increased, the result being an increase in the rental of the estate, but permanent reductions have since been made amounting to £394 per annum. With this exception, the agent limited his evidence to the 14 years from 1880 to 1893, both inclusive. During that period the aggregate permanent reductions were £3,436, the aggregate abatements £6,240, and the arrears remitted £178, making a total of £9,854, or, broadly speaking, £10,000 shrinkage in rental due to depression. In the meantime, taking the present reduced rent of £5,700 as the basis, the aggregate rental in the 14 years amounted to £89,800. Deducting from this the reductions and abatements, viz., £10,000, or about 11 per cent. of the gross rental, the net rental received by the owner [during the last 14 years] amounted to £79,800. The amount spent in improvements and repairs during the same period was stated to have been £8,026, which still, however, left to the owner over £70,000 from the estate."

Re ts in Yale.

Mr. W. Corbet Yale, the owner of some 823 acres, situated about 1,000 feet above sea level, in the district of Yale, said that the present rental (£590) is exactly what it was in 1822. As to a farm (Plas Llanarmon) on the Gelligynan Estate in the same district, the following account was given by Mr. John Parry (p. 450):—

"In 1775 it contained something over 350 acres, and was leased at a yearly rent of £70 and two good fat geese at Christmas. This lease expired in the year 1805. Then another lease was offered to the tenant, and a reduction of £10 in the rent. This he refused because he considered the rent too high. Another man came forward and took the farm, and became insolvent. In the year 1855 this farm was re-valued after it had been reduced in extent by about 100 acres or more. According to that valuation the gross estimated rental was £159. In the year 1866 this farm, after it had been reduced again by something over 100 acres, was let at a rental of £130. In the year 1886, after it had been increased in extent by 17

acres, it was let at a rental of £126. I do not think the different owners of this farm could have spent upon it in repairs, from 1800 to 1886, more than from £100 to £150. The increase in the value of this farm is due entirely to matters other than any outlay of the owners thereof."

General absence of complaints in East Denbigh and Flintshire.

As to the remainder of East Denbighshire and Flintshire, there was an entire absence of complaints by tenants, so that the only source of information as to rents is the evidence of landowners or their representatives. Permanent reductions are mentioned as having been made in most cases, but as the figures are somewhat heavy, a few specimens only need be quoted.

Statistics as to Chief Estates.

Mr. P. P. Pennant, of Nantllys, whose estate comprises some 1,400 acres, said his rental in 1856 was £1,683; in 1876 it was £1,834 (or 9 per cent. higher); in 1894 it stood at £1,559 (or 7 per cent. lower than in 1856). The expenditure between 1854 and 1894 on improvements has been £7,606, and in repairs £10,029.

For the 25 years from 1870 to 1894 (inclusive) £28,000 odd has been received as rent from the Wigfair and Soughton Estates of some 1,530 acres belonging to Colonel Howard, but £12,000 of that amount had been spent in repairs, while if all expenses of management, &c., were taken into account, about 43 per cent. only has been received as net rental.

As to the Mostyn Estate, which comprises 6,350 acres, its rentals in 1894 being £5,413, the present agent said that, so far as he was aware, 'the rents had not been varied during the past 50 years, if anything they are lower.' Permanent reductions, amounting to 9 per cent. of the total rent had been made, while the total given in abatements during the 9½ years since 1885 was £4,210.

The following may be cited as further instances of apparently liberal treatment in the case of other estates :—

"The Gwysaney Estate, which belongs to Mr. Davies-Cooke, and is managed by Major Birch, comprises 3,687 acres, its rental in 1894 being £4,311. In the seven years, from 1886 to 1892 inclusive, £11,532 had been spent on materials, repairs, and improvements. Permanent reductions were made in 1886 amounting to 10 per cent. in many cases, and in one case to 33 per cent. Abatements have also been made of 10 per cent. from 1886 to 1888, and from 1892 to 1894.

On the Llanerch Estate, belonging to the late Sir George Cayley, the permanent reductions were considerably greater, amounting to 25 per cent. on the gross rental, because "it has a large amount of clay land which has been unprofitable to farm." This estate comprised 2,040 acres, and its rental, after the reductions, was stated as £2,632. An allowance of 10 per cent. had also been made. For about 12 or 13 years previous to 1878 the whole of the income from this estate, and more, was spent in improvements on it, and the expenditure since then has been also considerable, the annual average between 1886 and 1893 being £865.

The Halkyn Castle Estate, which belongs to the Duke of Westminster, comprises (in addition to purely mineral property in Denbighshire) 2,730 acres of agricultural land wholly situated in Flintshire, its

rental being £2,971. The land was described as very variable in quality, some of it being let for 25s. per acre, other portions as low as 17s. per acre, the general average being about 22s. per acre.

'There have been no alterations made in the farm rents during the last 45 or 50 years, except in cases where lands have been added to or taken from a farm, and this to no considerable extent. The largest farm on the estate has paid the same rent for 50 years, less the large percentage allowed from time to time. The last valuation of the estate was made in 1846, but recently the Duke has had eight of the largest farms re-valued, with the result that two of them remain at the same rent and the rents of six are reduced. Previously to 1885 he allowed for some years 20 per cent. From 1885 to 1890 inclusive he allowed 25 per cent.'

It was also stated that 'for many years past more money has been expended on the estate in repairs, improvements, &c., than the income derived from it.'" (*See* also p. 209).

The rent-roll of the Erddig Estate of some 3,000 acres near Wrexham was said to be lower now than it was 50 years ago,—a permanent reduction of 10 per cent. having been generally made in 1885.

The rent of the estate (2,200 acres) of Sir Robert Cunliffe, of Acton, had shrunk nearly 4½ per cent. between 1883 and 1892, its amount in the latter year being £3,215.

Rentals in the Hundred of Maelor.

The two chief estates in the hundred of Maelor, or the detached portion of Flintshire, protruding eastwards between Cheshire and Salop, is the Gredington Estate of Lord Kenyon comprising 8,000 acres, and the Hanmer Estate of about 9,000 acres, of which a large part is under moss.

The rental of the former was stated to be £10,000 a year, or the gross amount received (after deducting abatements) during 7 years (1887-1893) was £66,700, and the total expenditure in keeping up farm buildings and cottages, £8,420, or 12½ per cent. of the total. Up to 1892 every rent had been paid on the audit day, but during the following two years three tenants fell slightly into arrear.

The rental produced by the agricultural land and cottages on the Hanmer Estate was stated at about £10,200, —averaging 32s. per acre for the cultivable land. The rents have fluctuated to some extent, and on the whole the agent thought (though he could not be sure of his figures) that there had been a small rise from 1843 to 1893. The expenditure on permanent improvements of all kinds during 6½ years preceding August, 1894, was £21,185, interest being charged on less than a quarter that amount.

The late Rev. Sir T. H. Gresley Puleston, rector of Worthenbury, and owner of about 2,000 acres in the district, producing from £2,000 to £3,000 a year, said that his rents remained "about the same as they were 60 years ago, but the farms had been greatly improved at the landowner's expense during that period"—his own outlay (including

improvements, management, rates and taxes) being nearly 30 per cent. of the gross rental during the last 27 years.

Rents had not been raised on the late Lord Trevor's Brynkinallt Estate (1,029 acres, £1,407 rent) since his succession in 1862, while numerous abatements have recently been made from time to time.

The largest Welsh Estate: Sir W. W. Wynn's

Before passing on to deal with the evidence as to the remaining border county of North Wales, that of Montgomery, this may perhaps be the most convenient place to refer to the largest estate in Wales, that of Sir Watkin Williams Wynn. This property consists of as many as six separate estates, three of which form what the agent described as the Welsh portion, the other three being on the borders forming the English portion.

Its various members.

WELSH PORTION.

Name of Estate.	Counties in which chiefly situated.	Acres.	Acres.
Glanllyn	Merioneth ...	39,080, of which	20,886 are mountain land
Llanbrynmair...	Montgomery	54,196, „	38,000 „ „
Llwydiarth.....	Montgomery	18,292, „	1,730 „ „
Total		111,568	60,616

ENGLISH PORTION.

Name of Estate.	Counties in which chiefly situated.	Acres.	Acres.
Wynnstay	Denbigh	10,675, of which	2,927 are mountain land
Llanforda	Montgomery	3,293, „	446 „ „
Llangedwyn ...	Salop	11,486, „	828 „ „
Total		25,454	4,201

The approximate total extent is thus 137,025 acres, of which 64,129 are mountain land.

We extract the following from the report (p. 453) :—

"The total farm and cottage rental in 1893 was £45,458. In 1862 it was £40,556, or 12 per cent. less, but we were not informed as to what extent the area of the estate differed at the two periods mentioned. Land to the value of £68,181 was, however, bought since 1872, and the annual rental in 1894 of this purchased property, amounted to £2,355, or an average of 3·45 per cent. on the purchase money. After allowing an average deduction of 12½ per cent. rebate on rents and 7½ for repairs, insurance, and other landlord's outgoings, the net interest on the purchase moneys is 2¾ per cent.

"As to recent allowances, the statement of Colonel Hughes, the estate representative, was to the following effect :—

'Abatements have been granted to the whole of the tenant farmers of these estates, paying £10 rent and upwards, and rents have in many cases been permanently reduced. The abatements have been 10 per cent. for the years 1885 to 1889 both inclusive; 5 per cent. for 1890, and 15 per cent. since that time, amounting to a total of upwards of £30,000 during the eight years ending with 1893. In addition to these abatements, grants of lime, artificial manures, and other assistance have been given, new fences have been erected, and much land drained at the landlord's expense.'"

As to the improvements effected on the estate, with which we have dealt elsewhere, it was said that no interest was charged on new buildings or repairs to old ones. Interest, however, appears to frequently be charged on outlay in respect of mountain fencing and drainage, but as to the former it was stated that 'in many cases the landlord has supplied the wire gratis, and has frequently done the whole work without charging any interest.'

'On the Wynnstay home estate a large portion was drained from 35 to 40 years ago, and interest upon the sum expended (at the rate of 5 per cent.) was then added to the rents, which the tenants continue to pay. A portion not then drained has since been done, in most cases at the cost of the landlord, in others the landlord supplying pipes only, but no interest has been charged upon the outlay.'"

The Glanllyn or Merioneth portion.

Each of the estates has to some extent a history of its own : That of the Merionethshire or Glanllyn Estate is this referred in the Report (p. 434-5). "It was stated to us by an aged tenant (Mr. John Thomas, Cloddiau,) that in Llanuwchllyn, on Sir Watkin's estate, the rent of every farm was advanced about the year 1840 by one Jones, of Llwydiarth Park (the then agent), and in succeeding years the rent was advanced when the landlord made a new building.'"

A statement made by the tenant of Caer Gai—once the mansion house of this estate—is then quoted, showing that the rent of his farm was raised from £140 in 1842 to £200 in 1882, but reduced in 1891 to £150, he in the interval having carried out great improvements.

"Somewhat similar statements [the Report continues] were made as to rents on this estate by other witnesses, according to one of whom it appears that 'in 1892, about 60 of Sir W. W. Wynn's tenants made an application for a reduction to the present agents, Col. Hughes and Mr. Morris. Sir Watkin promised to consider the case of each farmer separately, and his agents re-valued or are re-valuing the holdings.'

Col. Hughes referred to this valuation as follows :—

'You will recollect there was a good deal of feeling expressed, and dissatisfaction and so forth (last year at Bala), and Sir Watkin asked me to go over the estate. It is a work of time, of course, but I wish to show you what we have done

with a view of getting things right. The whole of those farms were valued, a field-to-field valuation was made, which I put in for your inspection. . . . There were nine farms the rents of which I did not touch, and I have three now that I have not yet agreed with. There is £2 difference between us in one case and £5 in another ; of course those will be got over without any trouble. The third one is a more serious matter, there is £30 between us, but that is how we stand. Those were all settled, and I thought, as we had so much fuss at Bala, I ought to satisfy the Commission that no trouble had been spared to make the tenants all satisfied.'

"In further referring to the results of this valuation Colonel Hughes added that about 110 holdings had altogether been dealt with. Their original rents were £3,891 9s., and the revised rent £3,380 15s. The actual reductions amounted to £574 14s., the advanced rents amounted to £63, but £52 of this amount was put on one holding only, viz., that occupied by a former sub-agent of the estate ; the net result was a reduction of £510 14s., or about 15½ per cent. decrease."

The Montgomeryshire Welsh portions.

As to the Llanbrynmair property, "'a land agent from a distance' was said to have re-valued a farm held in the early part of the century by the Rev. John Roberts (senior) of Llanbrynmair." As to the general valuation of 1840, which appears to have been made on the succession of the late baronet to the estates, a tenant who, when the Commission visited Machynlleth, was 81 years of age, said (we quote from the Report, p. 459) :—"'My father lived at Talybont-train from 20 to 24 years ; the rent he paid at first was, I think, £65. About two years after he had taken the farm, a new agent, Mr. Jones of the Park, came on Sir Watkin's estate and had the whole estate re-valued. The rent was in consequence raised on the death (in 1840) of the grandfather of the present Sir Watkin to £76.'

"Further reference to the same valuation was incidentally made by Mr. Thomas Jones, of Graig, Llanfair-Caereinion, who very instructively traced the history of certain holdings formerly belonging to Sir W. W. Wynn, and occupied by witness's grandfather, his father, and himself successively. His story was somewhat to the following effect :—

"His grandfather, about 1815, took three farms belonging to Sir W. W. Wynn, at the aggregate rental of £65. About 1820, 30 acres of the best meadow land was taken away and made into a nursery, without any deduction being made in the rent. In 1826, eight acres of arable land was further taken away without any allowance. In 1827, the tenant erected a

building which cost him £50, and in 1837, he built a new granary, and effected some repairs, the expense of both being estimated at about £80. In 1838, about 2,000 oak trees were felled on the farm, which did not recover for two years from the damage so caused, but no compensation was paid therefor. In 1843 (subsequent to the re-valuation of the estate) the rents were raised on all Sir W. W. Wynn's farms in the district, with one exception, and the increase for witness's father was £52, 'after all the improvements' he had carried out. 'He had made a field or part of a field every year, and had drained and fenced the land.' A period of great depression, culminating in 1850, followed this advance in rent. After the death of witness's father in 1856 the rent was raised for his sons to £140, 'thus making in 14 years an increase of £75,' or 115 per cent. In 1851 the farm was sold to Mr. David Clark, of Macclesfield, 'one of the cotton lords' as witness described him. In the year following the rent was raised to £200 (or trebled within about 17 years), but witness, finding this excessive, left in 1862."

On the other hand, the tenant of Sychtyn, a large mountain farm of 1,110 acres, in the remote parish of Llanerfyl, said that the rent of his holding had not been increased since he became tenant in 1862, and he expressed himself as satisfied with his rent. So also was another large tenant, Mr. William Owen, of Mathafarn, the rent of which farm had not been changed since 1853, though that of the sheep-walk had been raised about 10 years ago.

In fact the Commissioners observe that "a fairly general satisfaction with their rents was expressed in their evidence before us by the tenants of several of the larger estates in this county [Montgomery]. Four tenants of the Llangedwyn Estate, belonging to Lady Williams Wynn, said that, in their opinion, their rents were perfectly fair, and not too high, and that more people were contented than not in their neighbourhood. Speaking as to tenants on other estates, however, one of them said that 'rents were a bit high for the present time.' Some tenants could go on paying the present rents, while others could not.

Somewhat similar views were expressed by several of Sir W. W. Wynn's tenants in the same district. They themselves were satisfied, none of their rents had been raised, but they heard complaints from others—'but there is a difference between landlords and landlords; some landlords raised the rents during the last 20 years, and then in increasing and reducing the rents they make a distinction in the complaints.' . . . 'Prices have gone down so much, especially the butter, that, unless they are under a good landlord, tenants cannot go on living and pay the rents they now do in the neighbourhood.'

Earl of Powis's Estate.

Passing on from Sir W. W. Wynn's estates and coming to the other large Montgomeryshire property—that of the Earl of Powis—it is similarly stated that "practically all the larger tenants (who appeared as witnesses) expressed a

general satisfaction both with their rents and the other conditions of their tenancies—Mr. Wm. Owens, of Shammasford, near Welshpool (whose farm measures 549 acres), and Mr. Maurice Jones, of Mathrafal, being quoted in illustration, The following is a summary of the Commissioners' account of this estate based upon the evidence of Mr. Forrester Addie, the Agent. The total area is about 45,000 acres, divided into 960 holdings. Its net rental in 1891, after deducting abatements, was £25,894, and 50 years previously, namely in 1840, it was £27,218, or 7 per cent. more.

The aggregate net rental* for the ten years ending Lady Day, 1859—we may call it "the fifties"—was less by nearly 3 per cent. than for the corresponding 10 years of the forties; the net rental for the sixties showed an increase of over 7 per cent. on the fifties; that of the seventies showed a further increase of 3·4 per cent. on the sixties (or 7·6 on the fifties).

The net receipts during what may be called the first 10 years of the agricultural depression, from 1879 to 1889, were practically 8 per cent. less than the receipts for the previous 10 years, and close upon 1 per cent. less than they were for the first 10 years in our comparison, namely from 1839 to 1849. Or looking at it otherwise the net rental for 1891, viz., £25,894 was less by 11 per cent. than the net rental in 1879, namely £29,137.

The total amount of rent irrecoverable and lost since 1850 was stated as £4,410.

The reductions in rent since 1879 have not been uniform for all the holdings, but have varied according to the result of a re-valuation of each farm individually. Abatements of 10 per cent. have been subsequently granted on the reduced rents.

Other Montgomeryshire Estates.

Another important Montgomeryshire estate is that of Plas Machynlleth, belonging to the Dowager Marchioness of Londonderry, and comprising 12,500 acres, of which about a quarter is, however, situated in Merioneth.

"The average annual rental of the estate for the past 34 years (1860-1893) was about £5,527 15s. 9d., the average annual amount actually received for the same period being £5,312 11s. 4d. It was also stated that the average yearly expenditure for the same period was £5,527 4s. 9d., of which, however, only £1,504 6s. was the average outlay on buildings, draining, fencing and improvements.

* The aggregate receipts for each period of 10 years since 1840 have been given on page 206, where also the expenditure on improvements has been dealt with.

As to 18 farms, permanent reductions of varying amounts, but averaging 17½ per cent., have been made, and abatements of 10 and 15 per cent. have been granted in several years. From 1860 to 1893, allowances for lime to the value of £793 have been made, £542 of arrears have been forgiven, and £842 allowed to tenants for unspecified reasons.

The rent on Sir John Conroy's Estate in Llanbrynmair (1701 acres with sheepwalks) were raised 10 per cent. in 1876 after a valuation, but this was taken off in 1891 and an additional abatement of 15 per cent. also granted. The net rental in 1894 was 24 per cent. less than in 1879.

Mr. C. J. Morris, the owner of some 4,400 acres in the district of Llanidloes, said, that since his succession to the estate in 1878, he received therefrom a grand total of £40,273, of which sum, £19,462 or 48·62 was placed net to his credit, the balance being divided thus:—

On woods and planting, 15⅓ per cent.; buildings and repairs, 16⅔ per cent.; estate fencing and new gates, 1 per cent.; draining, 2¼ per cent.; rates, taxes, tithes, 9½ per cent.; agency expenses, 4·21 per cent.; and another 3 per cent. on sundries.

A recently purchased Estate—Plas Dinam.

Most of the preceding estates may be described as heriditary properties. One instance is however given of an estate which has been formed by means of successive purchases between 1864 and 1891. It now comprises 10,300 acres and belongs to Mr. Edward Davies, of Plas Dinam, son of the late David Davies, sometime M.P. for Cardiganshire, well-known as a railway contractor and subsequently as a colliery proprietor. Mr. Davies's statement is thus quoted:

"'Rents have not been advanced except in a few cases where special reasons have existed, and in many cases permanent reductions have been made. In the case of Plas Dinam Estate, for instance, these reductions amount to over £300 a year, or 12½ per cent., in addition to the existing abatement of 20 per cent.—making an average reduction of 32½ per cent., irrespective of other advantages. In the case of the Gwernygoe Estate, the total reductions amount to over 39 per cent.

Witness explained later on, that this total was made up of 4½ per cent. permanent reduction, abatements varying from 7½ to 20 per cent., while the indirect reduction by the tenants not having been charged interest for increased accommodation, water-power, drainage, &c., amounted to nearly 15 per cent.

Chief features of Montgomeryshire evidence as to rents.

There are several interesting features about the evidence of "complaining" witnesses in Montgomeryshire. One has

reference to speculative dealings in land. One witness, already quoted, spoke with some contempt of "the cotton lords" who had bought land in the county. The rents of several farms were said to have been more than doubled at one time in the parish of Carno, and the explanation offered for the advances was that "Englishmen came up to Wales to buy land. They saw that it was a large quantity of land, and they were under the impression that they were buying land like the land of England, and they were increasing the rent accordingly upon land the price of which we did not consider was worth more than 6d. an acre."

Another feature of much of the evidence was "the emphasis laid on the large share borne by the tenants in the formation of their holdings, by the making of new fields, and the reclamation of unenclosed land," especially in the mountainous parts of the country, their rents being subsequently raised. We shall quote one example* only from the Report (p. 457):—"The following was given as the history of a holding in the upland parish of Hirnant, in this county. The farm comprised 133 acres, of which only about 13 acres were enclosed and cultivated in 1830, its rent then being £10. Soon after 1830 some 18 more acres were reclaimed, and a stable and cowhouse were erected by the tenant; the rent was subsequently raised from £10 to £20, at which figure it remained until 1861, when the landlord and the agent went over the estate and advanced the rent to £25. Three years later (and after some seven or eight more acres had been reclaimed) it was re-valued by Mr. Coke, a valuer from Hereford, at the time of whose visit there was an excellent crop of oats growing on the virgin soil of this reclaimed land. His valuation was £50, but the rent was raised to £40 only, at which it remained until the death of the tenant, insolvent, at the age of 79, in 1893."

In the cases of which the preceding is an example "the improvements were effected by occupiers in the acknowledged position of tenant farmers, but similar improvements were also said to have been largely carried out by squatters, who were subsequently compelled to attorn tenants and pay rack-rents for their enclosures. In either case the evidence has an important bearing on the question of advances in rent, so it is necessary that we should briefly advert to it here."

* For further instances reference is made to "the evidence of Mr. John Hughes (at *Qu.* 66,446 *et seq.*), who stated: 'My father said he had been raised in the rent for each field he had laid down and enclosed,' on a farm called Ffinnant, near Llanwddyn. *See* also the evidence of Mr. Edward Edwards of Brwynen, Hirnant (*Qu.* 67,008 *et seq.*) whose statement was to a similar effect."

The treatment of Squatters.

As to the district of Llanbrynmair, the Rev. Abraham Roberts, a native of the district, but now pastor of a Welsh Presbyterian Church in London, alleged that as many as 55 cottages, wholly erected by comparatively poor people, on what was then waste land, have been "appropriated" by Sir W. W. Wynn, as lord of the manor, without making any payment for them so far as witness was aware.

But, the Report proceeds (p. 460) :—"The evidence as to the treatment of squatters by the representatives of the Powis Castle estate was much more abundant, and was such as to lead us to believe that very considerable tracts of land in the district between Llanfyllin and Llangynog, and also in the parish and neighbourhood of Garthbeibio, were originally reclaimed entirely through the energy and labour of persons permitted to squat, apparently with the connivance of the then estate agents, on common land which they enclosed and formed into small holdings."

We select the following examples in illustration (p. 460) :—

Mr. Evan Lloyd, of Gwrlas, produced a list of some 17 small holdings which had been enclosed by so-called squatters in the district of Garthbeibio, and stated with reference thereto :—'The poor people who lived in these places built their little dwellings and erected buildings and cultivated the common land. Lord Powis's agents compelled these people to make some acknowledgment to the lord of the manor : some of the people 1s., some more. After these acknowledgment were made the rents of these little places were advanced by Lord Powis.'

This witness's statement was corroborated generally by Mr. David Davies, of Allt, Llangadfan, himself the son of a squatter in the same neighbourhood.

None of the evidence in this respect was controverted on any material points by Lord Powis's representatives who asserted that his lordship's action 'was in perfect accordance with his legal rights as lord of the manor.'

Mr. N. D. T. Watkin mentioned the case of a squatter in the parish of Manafon, who was induced to pay 1s. 6d. a year, but the rent was ultimately advanced by various stages to £10. 'There are many other similar instances,' added the witness, this is only one instance out of scores.' It was not, however, specifically stated whether these cases were on the Powis estate or not.

Absence of complaints in all border districts, except in Montgomeryshire.

Montgomeryshire, it is observed, occupied in one respect an entirely unique position. In all the other border counties practically no complaints whatsoever were preferred by tenants at any sitting held near, or even within a considerable distance of the English border, and, generally speaking, alleged grievances were much less numerous in English than in Welsh-speaking areas ; but "both at Newtown and Welshpool a great quantity of evidence was given complaining of high rents and harsh conditions of tenancy—statements which were, however, met (whether successfully or not it would be too difficult to say) by rebutting evidence tendered

by landlords and agents. From this mass of conflicting testimony it would be unsafe to draw any conclusions, save one, perhaps, namely, that the relations between landlord and tenant in this part of the Principality are not so harmonious as in the other border districts of Wales.'

In speaking of the counties of Flint and De'nbigh the Commissioners observe (p. 449) that "at the sittings which were held at Wrexham and Hanmer, none of the tenant-farmer witnesses gave expression to any feeling of dissatisfaction with their rents, but all their evidence showed that they were pretty well satisfied with almost everything except foreign competition. At Mold, the only complaint as to rent which was made to us referred, not to that neighbourhood, but to the parish of Clocaenog, in West Denbighshire, whence the witness had, in his dissatisfaction, migrated, and was apparently doing better, as he said that he was getting on very well with his present landlord.

Similarly, at our Holywell sitting, where some three or four witnesses did, as a matter of fact, complain of their rents, the complaints in question referred to a limited district at the lower end of the Vale of Clwyd, considerably west of the town of Holywell itself. Broadly speaking, we may therefore say that no evidence whatsoever was given us in the nature of a complaint as to rent with reference to any land lying to the east of the Clwydian range of mountains."

As will be seen presently, this absence of complaints was still more notable at the border sittings in South Wales, and "but for the exception constituted by Montgomeryshire, we would have been able to report," the Commissioners say, "that scarcely a discordant note was struck during our sittings in the whole of that belt of country extending from the Severn to the Dee—the historic march-land of Wales. This silver line of harmony had, however, its continuity broken on the Montgomeryshire border—more particularly in the districts of Kerry and Forden. It is difficult to find the cause of this. Perhaps it is that indirectly suggested by Mr. David Hamer at Newtown, which we, therefore, quote:—

'In the days of protection the land was rented high, and landlords have maintained those rents to the present day owing to the fierce competition which exists for land in this district. This competition comes from farmers in the upland districts of the county, the height of whose ambition is to occupy a farm in the Severn Valley and to be near Newtown. The principal farms are now occupied by such men or their descendants, and, judging by appearance, not with very much advantage to themselves, but with much disadvantage to the land, for being sheep farmers the standard of arable farming has been considerably lowered.'

The same witness also stated that the district of Newtown suffered severely from absentee landlords. He estimated that fully nine-tenths of the rentals received are transferred to landlords residing elsewhere, and he also suggested that the properties of some of the resident owners were heavily mortgaged.

Whatever the cause may be, the fact remains that considerable dissatisfaction appears to exist among a large proportion of the tenantry in those districts ; rents had been screwed up, so they alleged, as the result of competition ; tenants had become insolvent and were sold up, and the standard of cultivation was deteriorating."

2.—THE EASTERN COUNTIES OF SOUTH WALES (BRECON, RADNOR, MONMOUTH AND GLAMORGAN).

The exceptional character of the Montgomeryshire evidence is still more clearly seen when we consider the observations as to the Eastern Counties of South Wales.

RADNOR AND BRECON.

Thus with reference to the Counties of Radnor and Brecon, the Commissioners state (p. 420):—"No very large number of complaints with reference to rent was brought before us in these two counties, and it is a noticeable fact that such complaints as we had were most numerous either in Welsh-speaking districts or in those parts which are most remote from the English border. Thus at our sitting at Crickhowell, which is not far from the Herefordshire border, only three witnesses gave any evidence in the nature of complaints, one of them being as to the difficulty of obtaining allotments, while the other two chiefly referred to the question of game.

Similarly at our sitting at Knighton, in Radnorshire, which is partly situated in England and partly in Wales, not a single complaint as to excessive rent was brought before us ; indeed, one witness, Mr. R. Hamer, who since about 1863 has held a farm of over 500 acres under Mr. Rogers, of Stanage Park, said that he had been receiving an abatement of 10 per cent., but that it was superseded by a permanent reduction of close upon £100 a year, his present rental being £426, with which he appeared very well content.

Further westward in these counties complaints as to rents and other matters became more numerous, though not nearly to the same extent as in the more typical Welsh counties either in South or North Wales.

Mr. J. W. Boore, a freeholder, living in the parish of Rhulen, between Builth and Hay, said that he could mention cases in which tenants had their rents raised upon their improving their farms," and he gave the case of his own father as an instance.

" A tenant of the Llwynbarried Estate, in the immediate neighbourhood of Llandrindod, said that rents had been doubled within the last 50 years.

'For instance, my father took a farm about 52 years ago at £70. In 14 years it had risen to £100, and in a few years to £130, then to £140. It was then valued and the rent raised to £150. Then there was a dispute between two would-be tenants, and it was let at £150. The rent is now £150. That is double the former rent of 50 years ago. There have been many temporary abatements of rents on the well-managed estates, and some permanent reductions; but the change of rents seldom depends on a revaluation.'

Interest at the rate of 5 to 6½ per cent. was also charged on drainage and fencing made by the owners, even though, in some cases, as that of his own holding, the drainage was almost worthless, owing to its being badly done.

A freeholder representing the tenant farmers of the Welsh speaking district of Trecastle, on the Carmarthenshire border, spoke of rents raised by 50 to 60 per cent, while a witness from the neighbouring parish of Llandilofan said that excepting the Marquis of Camden and Dr. Lloyd Barlow, " all the other landlords had advanced their rents."

Systematic revaluations of Brecknockshire Estates.

As to the two counties generally, the Commissioners state (p. 416) that a series of re-valuations were conducted on several of the largest estates from about 1856 downwards. The following statement made by Mr. John Lloyd, himself a landowner in the county and a member of the South Wales circuit is thus quoted (p. 416.):—

" From the year 1855 to 1875 I was agent for my father's estates in this country. About that time, in 1854 and 1855, the times were very good for Welsh farmers, and in 1860 I remember they did very well and up to 1865. . . About 1856 a rather remarkable event happened in this county. Sir Charles Morgan as he was then—the late Lord Tredegar—caused his Brecknockshire property to be revalued, and he sent up a valuer from Newport of the name of Treharne Rees. He found then that Sir Charles Morgan's farms were low rented, and he raised them very much, and the example that was then set by that estate was followed throughout the county, and most of the chief landowners followed suit and employed valuers who valued their estates afresh. They employed on one large estate Mr. Appleby, of Hereford, and it became the rule to revalue the large estates throughout Brecknockshire. The result was at that time a great increase in the rents at Brecknockshire. It was rather an unfortunate time to have had a

revaluation then made, because times were exceptionally good. Since then rents have gone back a good deal and there have been reductions made. I do not know that rents have gone back again to what they were before 1856, but they were put up a very great deal at that period of time. . . . I should think a great proportion of the county was revalued at that time. I was an agent then in Brecknockshire, and know about the state of things perfectly well. The exact amount of each farm, or what it was raised to, I do not know, but my impression is, and my belief is, that there was a considerable rise indeed which is well known, and which can be tested one way or the other, and the people were fairly staggered by the rise all through the county at that time. Treharne Rees was remembered well for many a year after.

The Commissioners supplement this statement of Mr. Lloyd's by giving particulars of various other estates as follows:—"Among other Brecknockshire estates valued about this time was that of Maesllwch Castle, the valuation being according to one witness in 1858, but according to another in 1862.

Mr. Lloyd also mentioned the Penpont Estate (of 3,500 acres) near Brecon, which was valued by Mr. Appleby, but in the year 1869, its result being according to the present agent an increase of 25 per cent. on the old rentals.

The Marquess of Camden's Brecknockshire estate of 7,500 acres was, however, revalued in the year indicated by Mr. Lloyd, namely, in, 1856, and 'some of the rents were then raised as found necessary,' the rental in 1894, after intermediate adjustments, being about 7½ per cent. above what it was before the valuation. Abatements of 10 per cent. were made in 1880 and 1881, in 1885-8 and 1892, and of 15 per cent. in 1893. The Gwernyfed Park Estate (Colonel Wood), in the same county, was valued about 1863; rents have not been raised since except on change of tenancy. Abatements varying from 2½ to 15 per cent. have been made every year between 1885 and 1892, except 1890, and 20 per cent. was returned in 1880. In 1834, the Harpton Court Estate, of 10,000 acres, chiefly in Radnorshire, was also valued, but with what result we have no precise information to show. Some permanent reductions have been made, and abatements of 10 per cent. were also granted from Lady Day 1886 to Michaelmas 1888, and from Michaelmas 1891 to the end of 1892."

Sir J. R. Bailey on Brecknockshire Rents.

Some very comprehensive evidence given by Sir Joseph Bailey, the Lord Lieutenant for the county of Brecknock, is

also quoted. The agricultural rental of his own estate, that of Glanusk, which measures 25,000 acres, was stated as £18,521, or an average of 14s. 8d. per acre.

'But the value of lands vary very much in different parts of the county. . . . The average of the valley farms, in the centre of Breconshire, runs from £1 to 25s. an acre. On the other hand, in the Hundred of Builth, the best farms fetch 18s. an acre; intermediate farms 10s. and 12s. an acre in addition to tithes. It is very poor land, but is improved in value by the market afforded by a series of watering places with mineral waters (*e. g.*, Llangammarch and Llandrindod). The Builth Hundred has been opened by railway, the Mid-Wales line. Before that coal had to be hauled 20 miles, and the price of comfort was very great. . . . Jones, in his 'History of Brecknockshire,' states that Builth land was then, in 1807, worth from 6s. to 7s. per acre, and the poorest from 3s. to 4s. per acre. In those days the inhabitants could not raise corn enough for their own consumption. The yield of wheat per acre was five bushels. Land in the county generally was then from 15s. to 21s., very much as it is now, and in the neighbourhood of Glasbury and Hay, that is in the centre of the county, some farms in those days fetched 40s., and in the neighbourhood of towns, which, I presume, was accommodation land, they fetched even then from £3 to £4.'

"It should also be borne in mind, as proving the non-existence of a system of fines in the county, that at the beginning of the century, nearly all farms were let on lease.

Returning to the history of his own estate, the witness said that there had never been any general revision of the rents. 'About the year, 1870, if a farm was in the market and taken, it commanded high rents for the moment, but they have all gone back to their original rents again.' Beyond such cases no permanent reductions appear to have been made. 'There have been temporary abatements, sometimes general and sometimes to particular tenants who have met with misfortune, and who have been tenants of the estate for a long time.'

The general abatements have been 10 per cent. at Michaelmas 1880, and at Michaelmas 1885, and 10 per cent. on the whole year's rent in 1881, 1886-7-8, and 1892-3 inclusive, as well as an abatement of 5 per cent. at Lady Day, 1889. This was practically the history of the Brecknockshire Estate. Sir Joseph, however, stated that he had some farms near Monmouth, where he had made some large reductions in rent, while some estates of his in Buckinghamshire were described as 'absolutely unprofitable those being corn-growing counties."

Hundred of Builth.

One of the chief estates in the Hundred of Builth which has just been referred to, is that of Miss Thomas, Llwyn Madoc, which lies on the northern and most mountainous part of Brecknockshire, where sheep-farming is necessarily the chief industry. It measures 10,800 acres, and its rental is £3,100.

"Taking the rent in 1843 as a 'basis' [the agent said] it was higher in 1863 by 1·2 per cent. A new valuation was made in 1875, and in 1878 the rental was 23·9 per cent. above the 1843 basis. This comparison applies to 56 out of 70 agricultural holdings. Owing to exchanges, sales, purchases, &c., so long a comparison cannot be made for the other 14 holdings. A general rise of rent took place about 1874 to 1876, in consequence of the rise in prices. It amounted in Breconshire to 22 per cent., and was consequent on a valuation. This valuation (made by Mr. Davies, of Frood Vale) was 36·2 per cent. above the rental of 1843, but the rents were not raised higher than 24 per cent. above the 1843 basis. In 1843 other services were rendered, besides payment of rent. In 1881 individual reductions began, and in 1886 a general permanent reduction took place, amounting to 13 per cent. for the whole estate. The rental now stands, as before stated, 5·2 above that of 1843.

"As to abatements, previous to the permanent reduction in 1886, abatements of 15 per cent. were given for three half-years. Subsequent, and in addition to the permanent reduction in 1886, abatements have been given for 1892 of 10 per cent., 1893, 12½ per cent."

The Commissioners add that "One of the tenants expressed the opinion that the tenantry were not altogether satisfied with the abatement; for his own part he was not. The abatement did not meet the way prices were down, but they have not made a complaint and the blame was on themselves."

As to the Llysdinam Estate (of 1,739 acres), the rents have been permanently reduced, since the depression, from £1,100 to £984, or to the extent of 11 per cent.

"As to Mrs. Fuller Maitland's estate, at Garth, which lies between Builth and Llangammarch, and through which the London and North-Western Railway line to Swansea now runs, the agent informed us the farms are now let at about the same rents as they were 40 years ago. They were raised at one time, when the railway was made, but they have been since reduced, the general permanent reduction being 12½ per cent., which is also supplemented by a general abatement of 7 per cent. to tenants who pay their rent in full, a condition which was complained of by a tenant who had himself fallen into arrears, and was therefore unable to reap the benefit of the abatement."

West Radnorshire.

The rents on the Dderw estate, near Rhayader, have remained practically stationary since 1849, and most of them were said to be lower than the rateable value for poor-rate

purposes, and the gross rateable value of most of the farms of Mr. Lloyd, of Nantgwyllt, also "appeared to be higher than their rentals," many of which had remained unchanged since 1861, if not earlier. The total increase in Mr. Lloyd's rent-roll was, however, about $8\frac{1}{2}$ per cent. between 1830 and 1861, and a little under 3 per cent. between 1861 and 1892, or an aggregate increase of about 9 per cent. since 1830.

Particulars are given in the Report of several other large estates, but these need not be reproduced here, as the foregoing are fairly typical examples.

GLAMORGANSHIRE: Chief Estates.

Passing on to Glamorganshire the following statements are given in the report (p. 467) as to a few of the chief estates:—"The agents for the Duke of Beaufort's estate (which is chiefly in Gower) did not think the farm rents on that estate had been raised much during the last half century. No reductions or abatements had been made; no applications for such had been received from the tenants, whom the agent did not think at all dissatisfied.

"'The Margam Estate has not been revalued, but during the last 36 years there has been a revision of the rent in every case of a new tenancy. Rents have been raised in a great many cases when a change of tenancy has taken place, but only then. Until 1858 there was hardly any change, but from that time until 1880 there was an increase in the rent when the circumstances would admit. In Gower the raising of rent on change of tenancy has not uncommonly been the result of competition among applicants. Reductions have been made in very few cases; the total granted would not exceed £150 a year on the Margam Estate proper. In Gower none of any consequence have been granted.'

The reductions in question appear to be not solely, if at all, referable to agricultural distress, but in consequence of damage caused by copper smoke. The rents of the farms thus affected were reduced from 35 to 75 per cent. as the result of four valuations made at different times of the year.

In the time of the late Mr. Talbot, the tenants had to do all the repairs themselves, the landlords' practice being to reduce the rent 10 per cent. so that the tenant should undertake the repairs. Since Miss Talbot succeeded to the property in 1890, she has undertaken all the repairs, but the rents have not been raised, except in a very few instances. The abatements made were 20 per cent. in 1881, 25 per cent. in 1886, and 15 per cent. in 1892. The last-mentioned abatement was made subsequent to a petition being addressed to Miss Talbot, asking for a permanent reduction, in lieu of which she made an allowance of 15 per cent.

The tenants in the immediate neighbourhood of Margam and Pyle had, at a public meeting, selected one of their number—himself a large tenant—to inform us that in their opinion the rents on the estate were generally too high.

The Marquis of Bute's Glamorganshire estate, which consists of about 12,500 acres of agricultural land, has not been revalued as a whole during the last 50 years; in fact it was about 70 years ago that a survey of it was made. According to the agent:—

'Rents are considered to be fixed very low, and we have made no abatement and made no increase. I am speaking generally. Of course, there have been one or two cases of alterations of rents when new tenancies have been entered into, and perhaps when extensive repairs have been done, or something of that sort. . . . We have also bought considerably lately, and we have found the places that we have bought in bad repair, but we have not charged any more rent in those cases where we have put them into good repair.'

As to Lord Windsor's Estate of about 18,000 acres in Glamorganshire, there has been no revaluation, and consequently no general increase in the rents during the last 50 years. On the other hand, there has been no general reduction of recent years, but rents have been reduced in special cases, the gross permanent reduction since 1877 amounting to £739, while taking a few individual advances into account the net decrease in the rental since 1877 amounts to £248 11s. As to these advances, Mr. Forrest, the agent, stated that 'no rent had been raised upon sitting tenants. . . . There are some little dairy farms close to the town of Cardiff,' where slight increases have been made, "but not when the tenant was sitting, only when a new tenant came into the property.' The abatements that have been made since the commencement of the depression were 10 per cent. in 1879 and from 1886 to 1888, both inclusive, and 5 per cent. in 1881, 1889, and 1892."

The Dunraven and Rheola estates have been mentioned above (p. 116) as properties on which premiums were formerly paid for the leases, and it is therefore useless to compare their present rents with those paid when the leases were in force. But as to the more recent valuations, it was stated as to the Dunraven estate that a valuation made in 1877 showed an increased value of 8 per cent. above the then rents, but it was never acted upon. "Some few" permanent reductions have been made, and since 1885 abatements of from 10 to 15 per cent. have been granted, varying accord-

ing to the special circumstances of each case. The present rental of the Rheola estate is 4 per cent. lower than in 1877, or about 6 per cent. taking into account lands let tithe free.

As to the Vaughan Lee estates, the present rental of one portion of about 3,400 acres is £949 ; or only £50 10s. more than it was 50 years ago ; another portion of 1,000 acres stands now at £395, while in 1864, when it was purchased, it was about £70 more ; while still another part purchased in 1872 has since then fallen from £285 to £233.

Complaints as to rents more numerous in West than East Glamorgan,

As to complaints of rents being raised in this county, most of them came from the western half, that is from Gower, the Swansea Valley, and the Vale of Neath—and many, if not most, of them referred to comparatively small holdings or to small landowners. One witness stated that the only instance which he could mention of "an abatement granted in the upper part of the Swansea Valley, was one of 10 per cent. allowed for the preceding half-year's rent by Mr. Gough of Ynyscedwyn."

According to another witness, a lease for three lives for a small holding called Blaenywaun, Cwmclydach, expired as late as 1873, when the rent was raised from £26 to £40, being afterwards reduced to £32, together with interest on landlord's expenditure, but finding this too high the tenant left, though his ancestors had been for four centuries on the holding.

Mr. J. Thomas, of Clase Llangyfelach, thus referred to some land held by a Mr. Ross under Colonel Lyon which he (the tenant) manured ever since witness remembered. 'The land is 500 feet above sea level, and is of excellent quality but not rich. He had to leave it last September (1892), and the agent let it to another man for double the rent. The outgoing tenant did not get any compensation.' Mr. Thomas also mentioned the case of 'two farms, on each of which about 60 acres were planted with trees, say 25 years ago, but the rent is the same now as before the trees were planted. They are on Sir Hussey Vivian's estate. They are called Brynwilach and Maeseglwys.'

As to the Vale of Neath, the chief representative of the tenants from this district said that during the last 30 or 40 years the rise in rents in his neighbourhood was to the extent of 10, 20, and in some cases 80 per cent. Apparently the most extreme that he knew was that of his own father, who, up to about 1863, was a tenant under Captain J. W. Fredericks. "He held a farm at a rent of £25 a year. He had notice to leave without any cause ; he made a lot of improvements; he left without compensation, and after he

left the farm was raised to £45 a year, and it is the same to-day."

Mr Gwilym Jones, a large tenant-farmer and an alderman of the Glamorgan County Council, in giving evidence as to the parishes of Llanwonno, Llanvabon, and Eglwysilan, in East Glamorgan, said that generally speaking the small landowners were the most exacting. 'I do not wish to say they are oppressors, but they do not treat their tenants as fairly as the large landowners, such as Lord Tredegar, Lord Windsor, and the Tyntes, of Cefn Mably. . . . . I should myself like to see this, that it would be impossible to raise the rents on the tenants' improvements. That is the great complaint with a great many of the tenants in various parts of the district.'

"With reference to the Vale of Glamorgan, which is the chief agricultural area in the whole county, we were told by Mr. William Jenkins, of Rhoose Farm, near Barry (who has been farming as a tenant for 32 years), that it was an 'indisputable fact that great hardships had been caused and injustice done, in many cases, to tenant-farmers by land agents unreasonably advancing rents, and otherwise causing much injury.' He then gave several examples (which need not be reproduced) of what he described as 'the mismanagement of estates by land agents.'

"Mr. Thomas Morgan, a retired tenant farmer, of Llantwit Major, said that in 1842 he took a farm on the Nash Manor Estate, near Cowbridge. After some 30 years, during which he drained a good deal, and effected other improvements, his landlord died, and the estate then went into the hands of a trustee, who two years afterwards gave the tenant notice to quit, with the view of raising 40 per cent. on the rent. This advance witness described as being due to his own improvements :— The Vale of Glamorgan.

'Before I took it, my farm was let to a substantial tenant, who gave it up for want of repairs, and I took it because I was a young man and had a wife, and I was obliged to get a living. I stuck to it, and after I had been there 30 years I had this notice to raise the rent, and they raised it 32 per cent. before I should be allowed to keep it. I would not keep it very long; I could not agree to that. I could not suffer myself to be on a place where I thought I was very much wronged.'

In addition to this increase in the rent, five acres of land was taken away for planting, without any corresponding allowance.

Mr. D. J. Jenkins, of Great Frampton, Vice-Chairman of the Cowbridge Farmers' Club, stated that rents had gone up about 30 per cent. from 1870 onwards, more especially about 1872; he knew of a great many individual cases where such advances had been made, but that of recent years they had fallen back to very much what they were in 1870, and in some instances much below.

Mr. George Thomas, of Ely, also concurred in saying that rents had risen from somewhere about 1872 to 1874 and 1875, but on the other hand, he was not aware of any permanent reductions which had since been made.

So far as we could gather from the evidence of other witnesses, the only authentic case of a general permanent reduction of rent in this county, was that which had been just made prior to our visit in 1893 on Lord Wimborne's estate. His lordship's leading tenant, Mr. Rees Thomas, of Boverton, said he had pointed out to the agent the unsatisfactory results of abatements as not enabling the tenants to have their rates reduced, and 'by the next rent audit,' said Mr. Thomas, 'he made the percentage a permanent one. Therefore all Lord Wimborne's tenants, the last six months, have relieved themselves of 10 per cent. from the rates and taxes.'

The fairly unanimous opinion of all the tenant-farmer witnesses in the Vale of Glamorgan was that though the rents were not excessive on the large estates, there was not on the part of landlords such a general acceptance of the situation as there was in England, and that landlords were doling out abatements, when, in fact, they should be making permanent reductions instead."

MONMOUTHSHIRE: The moral influence of the great landowners in Monmouthshire.

The Commissioners, however observe (p. 413) that "the same complaint was scarcely applicable to the county of Monmouth, or at most only to a very few of its landowners, and to none, we believe, of those who possess the larger properties in the county.

As to one important estate, that of Lord Tredegar, we received no statistical evidence, but there was a singular unanimity among all the witnesses, who appeared before us, as to the liberal, nay, generous terms on which his Lordship, as well as the other large landlords of this county, let their farms.

One witness, Mr. T. Parry, of Newport, whose general evidence may be said to have favoured the tenants' cause, spoke of Lord Tredegar as 'the good Samaritan,' and added that 'in Monmouthshire, from the consideration of Lord Tredegar and other very excellent landlords, there were very

few complaints, but there are tenants of other landowners who do feel the oppression very terribly.'

Mr. Lawrence, of Caerleon, also said :—' I feel that probably we are peculiarly and most favourably circumstanced in the county of Monmouth. I think I may say amongst the great landowners, of which we have altogether some 14 or 15 in the county, I do not think it is possible that more liberal and generous men can be, or that a better feeling could possibly exist between landlord and tenant than exists between them. I look upon the Duke of Beaufort's, Lord Tredegar's, the Llanarth Estate, and many other estates in this county as being conducted upon the most generous and liberal principle for the benefit of the county at large, and the country at large. . . . . I would most certainly include Lord Llangattock. I would not undertake to mention all the names, but I really do not know a single instance in the whole county amongst the large landowners in which what I have mentioned is not the case.' "

One witness, who described himself as an advocate of land nationalization—Mr. Moses Walters, county councillor and quarry agent, of Blackwood—after referring to several cases of alleged hardships and of high rents in his district (which is in the heart of the mineral area) added that ' if they had landlords like Lord Tredegar he did not think those grievances mentioned by him would exist.'

Hardships arising in case of sales and occasionally otherwise.

Some evidence was, however, tendered to show that in cases where old estates were broken up, the tendency was for the purchasers to raise the rents, as in the case of the Llanaravon Estate, to which Mr. T. Parry alluded.

" Dealing with the general position of sitting tenants, the same witness thus referred to the case of Trestevan Farm, near Llangibby, belonging to a Mr. Williams, of Clifton (since deceased) :—

' This farm had been occupied for 50 years by a most respectable family named Phillips. Their rent was raised several times, which they had to submit to. In 1880, there being bad seasons, they applied to the owner for a reduction. The then squire absolutely refused. The Phillipses had a private income, which they were losing, and they felt they did not care to go on losing all the time. They gave notice to quit in 1880, because of their not being able to obtain a reduction. Since then they (the owners) have had three changes of tenants, and the farm has been very much reduced. That was a very great hardship upon people who had lived for 50 years in the parish, and who were naturally attached to the place, that they should not have the farm

reduced to a fair and just rent, and that the newcomers were allowed the reduction, and more than the reduction, that the Phillipses would have been satisfied with and would have maintained the tenancy upon.'

No evidence was offered in rebuttal of this statement, though the landlord's widow was represented before us by her brother, Mr. T. E. Cooke, who gave evidence as to other matters, immediately after Mr. Parry. Other complaints were also made with reference to the treatment of tenants, though not as to rent, both on this and on another estate managed by Mr. Cooke, as well as on some private property of his own ; but it is unnecessary for us here to do more than mention that these were the chief cases of (alleged) hardship brought to our notice in this county."

On the other hand evidence of generous dealing was very abundant.

Evidence as to permanent reductions.

Mr. W. C. A. Williams, the county treasurer, said he thought that on an average there was a permanent reduction from 25 to 30 per cent. on properties in the neighbourhood of Monmouth. The total reductions made since 1883 by Mr. Bosanquet, of Dingestow Court, amounted to about 30 per cent. On Lord Llangattock's estate, permanent reductions have been made since 1877 amounting to about 25 per cent., while on 11 occasions since 1877 abatements of from 10 to 50 per cent. have been granted.

On the Duke of Beaufort's Monmouthshire estate, the rents have been varied chiefly by means of abatements, the circumstances of each holding being considered separately, but permanent reductions have also been made in some cases, notably large farms. Mr. Lawrence, of Caerleon, has apparently dealt with his rents in the same way, and Mr. J. A. Bradney, of Talycoed (an estate of 1,500 acres) has permanently reduced the rents of most of the farms, since their purchase in 1880.

" An exceptional instance both of the raising, as well as of the subsequent reduction of rents in Monmouthshire, is to be found in connection with the Llantilio Estate, which lies about half way between Abergavenny and Monmouth, and consists of 2,700 acres. The statement of the present agent, Mr. W. Graham, with reference to it, was as follows :—

' The estate was sold by auction in 1873 after the preceding owner (Colonel Clifford) had raised the rents higher than ever they were before. It may be in your remembrance that from 1872 to 1875 were the years in which land sold higher than ever known in England. The Llantilio Estate was sold by auction in London, and it realised £165,000 with the timber to be valued, which was afterwards valued at £20,000 making the cost of the whole 3,000 acres £185,000. The rents were, roughly, something over £4,000 a year. When the year 1879 came, that disastrous

year, the most disastrous year in my memory, or in anyone's memory, I suppose, they were unable to gather in the harvest because of the constant rains, and the sheep died in the early spring, and it was then that 20 per cent. was allowed the tenants (as an abatement) on that half-year, followed by permanent reductions on leases and annual tenancies alike of 33 per cent. on that estate.'

In fact, as the agent subsequently stated, the tenants would have been ruined if the late Sir Henry Jackson (who was the son of the purchaser) had not made those reductions.

CHAPTER IX.

GENERAL CONCLUSIONS AS TO THE HISTORY OF WELSH RENTALS.

1.—ENGLISH AND WELSH RENTS COMPARED.

Income Tax Assessments on land (Sch. A.) an index of agricultural rents.

Having now completed our summary of the evidence as to the history of the rentals of individual estates, of limited districts, and of particular holdings, it is necessary to extend the inquiry so as to ascertain the aggregate rentals, at various periods, for entire counties, and for the whole of Wales—and also if possible for certain large areas in England, so that a comparison may be instituted between the two countries.

The Commissioners point out that there are no available statistics which give the precise amount of agricultural rental, as such, but that the Income Tax Assessments on Lands only, under Schedule A, may, however, be accepted as substantially representing the rent of agricultural lands. The system according to which these assessments are made up—formerly every three years, but now every five years—is very fully stated, and all the objections which have in various quarters been raised against them as an index of agricultural rents are considerable at great length (p. 361 *et seq.*), but we need give here only the conclusions of the Commissioners on the point, which are as follows (p. 370) :—

Their actual value and accuracy determined.

"The gross assessments on lands under Schedule A, as fixed in the year of a new valuation, represent the agricultural rental of such lands with that approximation to accuracy which nothing short of a special survey with statutory powers could attain to. This high standard of accuracy, we have reason to believe, is attained not only in England, but also in all the Welsh counties, and has been so in both countries for the last 30 years. Previous to 1864-5 there is nothing to indicate that the assessments were less accurate for Wales than for England, though in neither country did they approximate so closely to the rack rental as they have done since; so that for the 40 years odd prior to 1864 we may take the figures in a broad and general sense for the purpose of a

comparison between Wales and England, as for that period, also, there is no reason to suppose that the returns give less accurate results for Wales than for England.

"But returns for a much earlier period, namely, for the year 1814-15, were also produced to us by the Board of Inland Revenue, and as to these it appears to be impossible to fix their due value or ascertain their trustworthiness*. The Inland Revenue officials cannot exactly tell how these figures are arrived at, because, according to their representative before us: 'They have not got the whole workings. The figures are only certain totals brought forward, and how those totals have been brought forward it is very hard to say.'

We shall therefore give the returns for 1814-15 for what they are worth, and use them only in so far as the results which they give are supported by collateral evidence†. The figures for the later years we shall use for purposes of comparison with England, and treat them as an equally trustworthy index of the agricultural rental in Wales as in England.

As to the value to be placed upon the later returns, we find that Mr. Gladstone treated them in exactly the way which we propose doing.‡ In a letter written by his secretary, in October, 1892, we find the following:—

'He (Mr. Gladstone) has now been furnished with a return showing for the years from 1876-7 to 1890-1 inclusive the value of the lands assessed for income tax (Schedule A.) in England and in Wales. These figures show that then, between 1876-7 and 1890-1, there was a reduction in England of about 21 per cent., and in Wales of about 4½ per cent. He is, of course, aware that the income tax figures do not exhibit the whole case, and especially that they do not take into account the important class of cases in which fresh outlay of landlords' capital without return has stood in place of reduction of rent. But his purpose was to compare Wales

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* *See* vol. V., p. 353. The gap in the statistics is explained by the fact that the Income Tax, which dates from 1798, was discontinued in 1816, and was not revived until the year 1842, when it was re-imposed by Sir Robert Peel's Government, not as a war tax (which it originally was) but for the purpose of meeting the ordinary expenditure of the country.

† There is reason to believe that these assessments for 1814-15 were at the time considered to be representing, with substantial accuracy, the agricultural rental. Thus Davies, in his *Agriculture of South Wales* (II., 484-5), in referring to land valuers who over-valued land, says: "It may be said in their favour that, by advancing the property tax, they must have greatly increased the revenue at a time when it was most essentially necessary." Unless such increases were immediately recorded in the assessments, this statement would have been scarcely accurate.

‡ Mr. Gladstone's letters dealing with the question of Welsh rents are printed in the Appendix to vol. V. p. 623.

with England; and there is no reason to suppose that, from this point of view, the income tax returns gave less accurate results in the one case than in the other.'

With reference to this statement of Mr. Gladstone, Mr. J. E. Vincent made the following remark, speaking in the capacity of official representative of Welsh landowners: 'With due qualification, landlords may safely accept Mr. Gladstone's views as expressed in this extract.'"

As to the "qualifications" in question, the Commissioners observe that so far as they bore on the question of the equation of the (Schedule A.) assessments on land with the agricultural rental, as legally fixed and reserved by specific agreements, we have "come to the conclusion that most of them were based upon a misconception of the nature of the returns."

What portions of England are most suitable for comparison with Wales?

The Commissioners do not come to quite so definite a conclusion as to what portion of England bears the closest resemblance to Wales in its physical characteristics, and the nature of the agriculture pursued,—so that a comparison might be instituted between the two. "In the course of the controversy as to Welsh rents which preceded the institution of our inquiry, as well as in the evidence of witnesses examined by ourselves, it was suggested that the counties of Cheshire, Cumberland, Cornwall, Devon, Monmouth, and Westmoreland were the most appropriate English counties to select for the purposes of a comparison with Wales."

Though not stated in the Report, what appears to be the chief reasons for suggesting this group of scattered and arbitrarily picked counties were (1) that they are for the most part mountainous like Wales, and (2) that their population is largely Celtic. For convenience sake we shall therefore call these "the Celtic Counties".*

But, the Commissioners add:—"As there might, however, be some doubt as to the propriety of selecting the above five English counties for the purpose of comparison with Wales, we thought it desirable for the sake of further illustration to take the group of counties which constitute Division IV. of the Agricultural Divisions of England, especially as the proportion of arable and pasture land in this group is practically identical with the proportion in Wales.†

Monmouthshire being treated by the Commissioners as an integral part of Wales, the number of these counties is reduced to five.

† This similarity is pointed out by Major Craigie in his Annual Report published in the Agricultural Returns for 1894 (p. xi.), while a similarity in the general condition of agriculturists in three northern counties and Wales has been referred to at pp. 154-6.

The counties in question are the six North-western and the four Northern counties, namely (*a*) Cumberland, Westmoreland, Lancashire, Cheshire, Derby, Stafford, and (*b*) Northumberland, Durham, York, North Riding, and York, West Riding. . . . . Unfortunately we were informed that the separate assessments for the North and West Ridings are not available, so that we have had to include the whole of Yorkshire.'

Changes in rentals during present century exhibited.

The Commissioners, however, leave it an open question as to which of these two groups bears the closest resemblance to Wales, and they accordingly give statistics for both of them for purposes of comparison.

In order to present a general view of the change in the agricultural rental of each county during this century, it is necessary to give :—

(1) A table showing the gross assessments on lands (Schedule A.) for 1814-15, and for each decade during the last 50 years, commencing with 1842-43 and ending with 1892-93.

As the figures are heavy, we shall give this for the Welsh counties only. (*See* Table No. I.)

(2) A table showing the percentages of increase or decrease in the assessments for the Welsh counties separately, and for the English areas for the same periods. (*See* Table No. II.)

So far as Wales is concerned, and taking it as a whole, the Commissioners observe that it is only in the last decade (1882-1892) that a *decrease* appears—a steady and continuous increase being shown in all the other intervals compared. As to individual counties there are fluctuations, up and down, and it is acknowledged to be "difficult, if not impossible" to explain all such changes at this distance of time, but a laudable attempt is, nevertheless, made as follows (p. 372) :—

Probable causes of the great increase of rents: reclamation and railways.

"Thus, if we take the period from 1814 to 1842, there is very little doubt that the abnormally high percentage of increase in the Anglesey assessments during that time is at once both explained and corroborated by the fact that it was within that period that Anglesey was joined to the mainland by means of the suspension bridge which carries Telford's Holyhead Road across the Menai Straits, and which was opened in 1826. Still further corroboration of the accuracy of the figures is also afforded by the fact that by the year 1846 rents in Anglesey were represented by a gentleman who had considerable opportunities of being well informed

TABLE I.—Gross Assessments to Income Tax on Land (Schedule A.), 1814-15 to 1892-93.

Counties.	1814-15.	1842-43.	1852-53.	1862-63.	1872-73.	1882-83.	1892-93.
	£	£	£	£	£	£	£
Anglesey	76,105	129,063	144,081	140,753	166,527	191,744	184,785
Brecon	135,191	139,225	157,211	176,586	187,364	214,307	192,116
Cardigan	126,399	159,949	165,264	169,147	198,915	235,497	225,163
Carmarthen	240,714	315,761	314,718	338,832	371,135	418,450	422,328
Carnarvon	105,852	150,047	169,751	165,382	187,702	212,689	213,150
Denbigh	224,678	284,346	282,847	298,199	330,343	367,429	325,179
Flint	139,753	193,505	184,745	197,289	209,886	227,431	204,170
Glamorgan	229,013	258,470	317,462	292,612	293,924	344,152	320,749
Merioneth	96,343	108,237	113,950	125,137	126,690	148,631	138,788
Montgomery	181,881	258,068	259,370	301,965	310,190	341,070	316,424
Pembroke	181,057	266,865	260,848	302,953	330,912	373,738	349,682
Radnor	90,652	107,648	125,823	139,858	158,398	176,344	158,187
Wales	1,827,638	2,371,184	2,496,070	2,648,713	2871,986	3,251,482	3,050,721
Monmouth	231,113	290,334	284,136	356,339	355,308	336,962	310,338
Wales & Monmouthshire	2,058,751	2,661,518	2,780,206	3,005,052	3,227,294	3,588,444	3,361,059

TABLE II.—Percentage of Increase or Decrease of Assessments on Lands (Schedule A.), 1814-15 to 1892-93.

[Where a *minus* sign (—) is not inserted, the percentage is an increase.]

Counties.	1814-15 to 1842-43.	1842-43 to 1852-53.	1852-53 to 1862-63.	1862-63 to 1872-73.	1872-73 to 1882-83.	1882-83 to 1892-93.	1842-43 to 1892-93.	1814-15 to 1892-93.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
Anglesey	**69·6**	11·6	— 2·3	18·3	15·1	— 3·6	**+ 43·1**	**+ 142·8**
Brecon	**2·9**	12·9	12·3	6·1	14.4	—10·4	**+ 37·9**	**+ 42·1**
Cardigan	**26·5**	3·3	2·3	17·6	18·4	— 4·4	**+ 40·8**	**+ 78·1**
Carmarthen	**31 ·2**	— ·33	7·7	9·5	12·7	·93	**+ 33·7**	**+ 75·4**
Carnarvon	**41 ·7**	13·1	— 2·5	13·5	13·3	·27	**+ 42·05**	**+ 101·3**
Denbigh	**26·6**	— ·53	5·4	10·8	11·2	—12·9	**+ 14 ·4**	**+ 44·7**
Flint	**38·5**	— 4·5	6·8	6·3	8·4	—10·2	**+ 5 ·5**	**+ 46·1**
Glamorgan	**12 ·9**	22·8	— 7·8	·44	17·1	— 6·8	**+ 24·1**	**+ 40·0**
Merioneth	**12 ·3**	5·3	9·8	1·2	17·3	— 6·6	**+ 28·2**	**+ 44·0**
Montgomery	**41 ·9**	·50	16·4	2·7	9·9	— 7·2	**+ 22·5**	**+ 73·9**
Pembroke	**47·4**	—2·2	16·1	9·2	12·9	— 6·4	**+ 31·03**	**+ 93·1**
Radnor	**18 ·7**	16·9	11.2	13·3	11·3	—10·3	**+ 46·9**	**+ 63·4**
Wales	**29·7**	5·2	6·1	8·4	13·2	— 6·2	**+ 28·6**	**+ 66·9**
Monmouth	**25·1**	—2·1	25·4	— 8·29	— 22·9	— 7·9	**+ 6·9**	**+ 34·3**
Wales and Monmouthshire	**29·2**	4·4	8·1	7·4	11·1	— 6·3	**+ 26·3**	**+ 63·2**
5 Celtic Counties ...	**+15·2**	—0·1	+ 7·4	+ 11·4	+ 6·2	— 7.9	**+ 17·4**	**+ 34·8**
Division IV * or 9 Northern Counties	**+10·4**	—0·38	+ 7·6	+ 10·2	+ 0·2	—13·6	**+ 2·3**	**+ 10 ·4**
All England* (omitting Wales)	**+16·3**	+2·2	+ 8·7	+ 11·8	- 3·8	—18·0	**— 2·1**	**+ 16 ·3**

* The percentages given for Division IV. and all England, in all the columns except the first and seventh, are not for the same periods of 10 years as in the other cases, but are for the following periods:—Column 2, from 1842-3 to 1851-2; column 3, from 1851-2 to 1861-2; column 4, from 1861-2 to 1873-4; column 5, rom 1873-4 to 1882-3; column 6, from 1882-3 to 1893-4; and the last column from 1814-15 to 1893-4.

The percentages for the English areas are not given in the Report, but have been specially worked out for this digest with the view of condensing the results of several separate tables which the Report contains.—D. Ll. T.

on the subject, as being much higher than in other parts of North Wales.*

Side by side with the great advance in Anglesey, we find an extremely low percentage of increase during the same period in the Brecknockshire assessments, amounting to about 3 per cent. only.

Why this great difference we cannot precisely say, though it was partly due, no doubt, to the fact that during the period in question, hardly any waste land in this county was brought under cultivation by being enclosed; in fact, we find that not a single Inclosure Act was passed for Brecknockshire between 1814 and 1849, though considerable inclosures were carried out in all those Welsh counties which show the greatest increase in their assessments. Nor were there any inclosures carried out during the same period in the counties of Merioneth, Glamorgan, and Monmouth, where the increase was also comparatively small.

Referring to this question of the great difference between the rates at which rents had increased in different counties, Mr. T. Ellis, M.P., said that he thought it quite possible that reclamation and enclosure might have had a great deal to do with such disparity. 'But,' he added, 'what I desire to point out is this, that in every case the reclamation of waste has been done with infinite labour by the tenantry, and that with regard to the enclosure of mountains I consider it one of the most serious parts of the whole system that rents should be exacted out of these wastes of Wales—the waste lands and hill grazings of Wales, on which never a penny piece has been spent by any landowner.'

As to the three counties of South-West Wales, we have the fact of the outbreak of the Rebecca Roits in 1843, affording very conclusive evidence that the rents in that district were considered excessive, which indeed they were admitted to be by several landowners who appeared as witnesses before the Commissioners of Inquiry for South Wales in 1843-4, while the *Times* asserted that "the rents were not merely high, but were screwed up till they could be got no higher."

This being so we are not surprised to find that during the decennium which followed, namely from 1842-3 to 1852-3, the rents of two counties in this district, Carmarthen and Pembroke, suffered a diminution, while as to the third, Cardiganshire, the increase shown amounted to 3·3 per cent. only. In North Wales also, the Flintshire assessments on land shrank to the extent of 4½ per cent., whilst they remained practically stationary in the counties of Denbigh

* *Journal R.A.S.E.*, vol. vii., p. 584.

and Montgomery, but we cannot suggest any cause for this beyond the agricultural depression which lasted practically throughout the whole decade. Glamorganshire is the county which shows the greatest percentage of increase within this decennium, amounting to 22·8 per cent. This was undoubtedly due, in a large measure, to the great progress of railway construction in the county during this decade, which witnessed the opening up of the rich mineral valleys of the Taff and the Rhondda, as well as the Vale of Neath, and the construction of the South Wales (now the Great Western) Railway along the margin of the fertile agricultural district of the Vale of Glamorgan, bringing to every farmer a greater demand and a higher price for his produce, as well as better means for its carriage and disposal. Probably the same cause contributed to the increases which are also to be noticed during this decade for Carnarvonshire and Anglesey (amounting to 13·1 and 11·6 per cent. respectively). These counties, from a position of considerable remoteness, were brought into much closer touch with the great industrial districts of the North-West of England, by the construction of the Chester and Holyhead (now the London and North-Western) Railway about this time—the first train having, in fact, run through the Menai Tubular Bridge into Anglesey in March, 1850.

It would appear as if a "boom" in agricultural land must have occurred during this decade in the three counties mentioned, and that, in the following decade, from 1852 to 1862, rents had to be reduced in each of them, though the period was one of agricultural prosperity elsewhere, and rents went up considerably in every other Welsh county, the increase amounting to as much as 25 per cent. in Monmouthshire. It is worth noting, in passing, that it was within this very decade (1852-62), which witnessed so great an increase in the value of land in Monmouthshire, that the bulk of the agricultural area of that county was opened up to railway communication—the line from Pontypool Road to Hereford *viâ* Abergavenny being opened about 1854, while that running from Pontypool Road through Usk to Monmouth was also opened some four years later. A large and continuing increase is shown in the assessments of the counties of Brecknock and Radnor at this time, amounting, for the 20 years preceding 1862, to about 27 and 38 per cent. respectively. Very extensive inclosures were carried out in Radnorshire within the first decade of that period, as many as 12 Acts being passed for the purpose, two of them referring to wastes of 5,000 and 7,000 acres respectively. This

must have added considerably to the rental of the county. The further increases which are shown in the Radnorshire assessments down to the very commencement of the agricultural depression in 1879 were also coincident in point of time with the further inclosure of immense tracts of wastes; one surveyor stating that between 1863 and 1879 he alone had acted as valuer in the inclosure of close upon 11,000 acres in Radnorshire. In Breconshire the increase appears to have followed after the systematic re-valuation of several large estates," to which reference has been made above (p. 278).

The influence of Railways.

"In at least a few counties, the increase of rents was contemporaneous with or subsequent to the construction of railways and the provision of better means of railway communication"—and the statements of several witnesses—Mr. W. A. Darbishire, Mr. T. E. Ellis, M.P., Mr. J. E. Vincent, and others, are cited by way of showing the importance of this factor. The following is for example, the statement of Mr. Morgan Richardson, of Cardigan, on the point:—

"A great deal has been said as regards the rise in the value of land in this country as compared with the rise in the value of land in England, and I am prepared to admit that there has been a rise during the last 100 years, and a considerable rise, but I think that the rise is to be explained by particular causes. One cause in this country is that our land is principally grazing land, and the produce of grazing land has risen during the last 100 years, the produce of corn lands having fallen; that a great deal of land is now cultivated which 100 years ago was not in cultivation at all; that roads have been made into the country and through every part of the country, and have developed land which was practically unenclosed 100 years ago; and a very important factor has been the making of railways in this country. The land 80 or 100 years back was far away from the best markets, so that land near the big towns in England had a very much greater advantage over land in this country than it has in the present day, the railway practically bringing us within a short distance of the best markets. And arising from this is the fact that the produce in this country, the grazing land produce, has very materially risen."

By way of further illustration of the influence of railways on rents, the Commissioners then proceed (p. 374) to indicate the periods within which railways were introduced into areas not already mentioned:—

"We may now briefly indicate the periods within which the chief railways were introduced into counties not already mentioned. The South Wales (now the Great Western) Railway reached Carmarthen in September, 1852, and Haverfordwest in December, 1853, while a branch line from Llanelly to Llandilo was opened in January, 1857, and was shortly afterwards carried on to Llandovery. The greater portion of the counties of Carmarthen and Pembroke were thus opened up in the decade ending in 1862, during which time the assessed land rental increased 7·7 and 16·1 per cent.

respectively. In the former county the main line of railway travels largely along the seaboard, but in Pembrokeshire it goes through the heart of the agricultural area, a fact which may account for the high percentage of the increase within it. Further branch railways were constructed in both counties in the following decade, namely, the Pembroke and Tenby line, opened in 1863, in Pembrokeshire, and two lines from Carmarthen to Pencader and to Llandilo respectively, which were severally opened in 1864 and 1865, the latter running through the fertile land of the Vale of Towy. In this decade a further increase of about 9 per cent. occurred in the rents of both the counties in question. In this decade also, the first great rise in the Cardiganshire assessments is to be noticed (amounting to 17·6 per cent.) a result which must have been largely due to the improved communication: the railway from Carmarthen to Pencader (which is on the border of Cardiganshire) has been already mentioned as opened in 1864, and the so-called Manchester and Milford line, which extends nearly the whole length of Cardiganshire, from Pencader to Aberystwyth, was made and opened very shortly afterwards, and about the same time also the Cambrian line was carried on from Montgomeryshire to Aberystwyth, completing practically all the railway mileage which Cardiganshire possessed until quite recently.

As to the county of Montgomery, the first railway opened within it was that between Newtown and Llanidloes in August, 1859, and its connexion, both with Oswestry on the one side and with Machynlleth on the other, was completed in 1862. The decade from 1852-3 to 1862-3 shows an increase of 16·4 per cent. in the assessments on land in this country."

The culmination of rents, and their subsequent decrease.

Having in the preceding tables ascertained the amount of change in the rentals of each county for every period of ten years, the Commissioners next give similar statistics for each period of three years subsequent to 1861-2. The percentages of increase and decrease which are thus obtained "suggest an arrangement of the counties into four groups, that correspond for the most part with their geographical situation. Thus we find that the year when rents culminated in the three contiguous counties of North-West Wales—Flint, Denbigh, and Montgomery— was 1876-7. The highest point was reached in the counties of Anglesey, Brecon, Radnor, and Monmouth in 1879-80, while it was not before 1882-3 that it was reached in Merioneth, Glamorgan, and Pembroke. In the remaining three counties of Cardigan, Carmarthen, and Carnarvon, which are among the most typically Welsh

in the whole of the principality, it was in the year 1885-6 that the assessments stood at their highest.

Taking the aggregate assessments for the whole of Wales, we further find that they attained their maximum in 1879-80, which is the year of highest assessments on land in England also.

All the counties have, moreover, this point in common. With the exception of Flintshire (which showed an increase of 2·7 per cent. in 1879-82), each county has suffered a continuous though varying decrease in its triennial assessments subsequent to the year in which they were severally at their highest.

These results will be more easily understood by reference to the accompanying table (No. III), which we have constructed out of the various tables given in the Report, the last column being specially worked out for the Digest.

It may be observed that the Commissioners do not accept the statistics of the gross estimated rentals for poor law purposes as a trustworthy index of agricultural rentals, and that they therefore discard all the evidence as to fluctuations in rents which was wholly based upon such statistics.

The 29 years ending in April, 1894, are thus seen to be broadly divisible into *(a)* 15 years of agricultural prosperity and *(b)* 14 years of depression, and with reference to these periods the Commissioners sum up as follows (p. 470) :—

General summary of the statistics.

"The net result for the 29 years ending in April, 1894, has therefore been that (taking a general average) rents in the seven eastern counties of Wales have fallen to the level of what they were at in 1864; in the six western counties they are now, in spite of the depression, 18½ per cent. higher than they were in 1864, or, taking the whole of Wales together, the net increase during the period in question amounts to 7·8 per cent. In England, on the other hand, we observe that in the nine north-western counties rents have fallen 7½ per cent. below their level in 1864, and just double that amount (or 15·2 per cent.) in the whole of England, excluding Wales, while in the five selected English counties the decrease since 1879 is nearly 3½ per cent. more than for the whole of Wales, and the net increase since 1864 is also just 3 per cent. more than it is for the principality.

If we were to take individual counties in the west of Wales and compare them in respect of the reduction in their assessments with those counties of England which are most favourably situated, the disparity between the shrinkage of rent in the two countries is still more striking. Thus the assessments on land, or in other words the agricultural rental,

TABLE III.—Showing effect of Prosperity and Depression on Rentals (1864-1893):—

COUNTY.	Year of Maximum Assessments.	Increase from 1864-65 to Year of highest Assessment.	Decrease from Year of highest Assessment to 1893-94.	1864-5 to 1893-4.
WESTERN COUNTIES.		Per cent.	Per cent.	Per cent.
Anglesey... ...	1879-80	23·4	4·9	+17·3
Cardigan... ...	1885-86	33·6	1·1	+32·1
Carmarthen ...	1885-86	26·5	1·5	+24·8
Carnarvon ...	1885-86	17·6	2·07	+15·2
Merioneth ...	1882-83	18·06	8·5	+ 8·0
Pembroke ...	1882-83	18·4	6·3	+10·9
EASTERN OR BORDER COUNTIES.				
Brecon	1879-80	22·4	12·8	+ 6·7
Denbigh	1876-77	18·6	14·7	+ 1·2
Flint	1876-77	10·9	11·7	− 2·1
Glamorgan ...	1882-83	9·5	6·46	+ 2·5
Montgomery .	1876-77	11·6	7·7	+ 3·0
Radnor	1879-80	16·2	13·4	+ 0·6
Wales ...	1879-80	16·8	6·1	+ 9·6
Monmouth ...	1879-80	10·6	16·2	− 7·4
Wales and Monmouthshire ...	1879-80	16·1	7·1	+ 7·8
5 'Celtic Counties'	1879-80	17·2	10·5	+ 4·8
Division IV. or 9 Northern C'nties	1879-80	11·5	17·2	− 7·6
All England, omitting Wales	1879-80	11·3	23·7	−15·2

* Practically the same results are obtained by taking the assessments under Schedule B—which Mr. T. E. Ellis used in his evidence before the Commission. Moreover, it is observed that the Deputy Chairman of the Board of Inland Revenue, in giving evidence in April, 1895, before the Royal Commission on Agriculture, actually used the Schedule B figures for this purpose, a table which he then put in showed that between 1879-80 and 1893-4, the assessments under Schedule B had decreased to the extent of 23·9 per cent. in England, 6·05 per cent. in Wales, and 19.5 per cent. in Scotland, giving a total decrease for the whole of Great Britain of 22·4 per cent.

in Carmarthenshire, actually increased between 1880 and 1894 to the extent of 1·8 per cent., while the decrease in the counties of Cardigan and Carnarvon did not amount to 1 per cent. respectively. Few, if any, counties are so typically Welsh as these three, so that the question naturally arises whether the fact that the agriculturists of these counties are practically Welsh-speaking monoglots has anything to do with this keeping up of rents. Of the nine English counties in Division IV., that which shows the least reduction in its assessments is Cheshire, its shrinkage being only 6 per cent., the next to it in the same division showing 11·4 per cent., while the diminution in the remainder ranges from 12 per cent. to 22 per cent. The conditions of agriculture in these nine counties, taken as a group, resemble as closely as may be the conditions prevalent also in Wales. The great difference in the reductions which their rents have experienced cannot therefore be explained away on the ground of any material difference in the method of agriculture pursued. There seems to be in fact, only one conclusion possible, namely, that though the physical and industrial conditions both in Wales and the north-western counties of England are practically identical, aud though the agricultural depression has been equally felt in both districts, yet rents have in the English counties been reduced more than the extent of their reductions in the principality."

2.—*THE PRINCIPLES ON WHICH RE-VALUATIONS ARE MADE AND RENTS FIXED.*

Difference in management between hereditary and purchased estates.

After this detailed review of the history of rentals in Wales, the Commissioners, in conclusion, state (p. 462), "certain generalisations which, broadly speaking, may be taken as indicating the principles according to which rents have been varied in Wales during the present century."

"In the first place, we have for the most part observed a very clear and marked distinction, in respect of rental, between hereditary and purchased estates. Those estates which have been inherited, generally are, or form part of, large possessions, so that the distinction which we have observed is frequently, though not always, equivalent to or co-terminous with the distinction between large and small estate. But the real essence of the difference is whether the ownership of an estate is regarded in the light of a purely commercial undertaking or otherwise. The man who purchases land in a speculative spirit, and whose chief, if not sole, object is to obtain a safe and remunerative investment

for his capital, naturally looks to, and may eventually be expected to exact, if possible, such a rent as will represent a satisfactory interest on his purchase money. There is very little doubt that the purchase of land has been a favourite form for the investment of money with Welsh people during this century. Professional men, successful merchants and tradesmen, and even thrifty mechanics and artisans—the dwellers in towns as well as the country—have aimed and struggled, and saved to this end. They may occupy for a time the land thus bought, but sooner or later they or their descendants cease to do so; the land is let and the highest possible rent is frequently required so as to bring in a stated percentage of interest on the capitalised value. In addition to this class of purchasers—natives of the Principality, and generally also of the neighbourhood in which the property so bought is situated—there is also another class of men who have made money, in the manufacturing districts or as merchants in the towns of England, who buy small estates with a residence, where they may retire and live in the autumn of their lives. It would be manifestly unjust to say that all those who belong to either of these classes exact the utmost farthing by way of rent out of their tenants; but, broadly speaking, the tendency on their part to do so is in proportion to the extent to which they bring rigidly commercial ideas to bear on the management of their property.

But if an estate is purchased by a successful and wealthy manufacturer or merchant, with the view of founding a county family, the commercial ideas are probably cast aside and the purchase is, perhaps, signalised by a large expenditure on improvements, and by a liberal treatment of the tenants." Among instances cited by the Commissioners are the estates of Colonel Platt and of Mr. Sandbach, of Hafodunos, in North Wales, and of Sir J. R. Bailey, of Glanusk, in South Wales. It is also pointed out that there are several large estates which "form, so to speak, so many appendages to mineral and industrial properties, some of them almost of colossal magnitude," *e.g.*, the Penrhyn, Vaynol, and Halkyn Castle Estates, in North Wales, and numerous properties—notably the Marquis of Bute's—in the the counties of Glamorgan and Monmouth.

Landlords so placed are able to deal more generously with their tenants.

"But, after taking into account the cases referred to, which are, after all, of an exceptional character, there still remains, we think, the large class of hereditary owners who for the most part have endeavoured to deal with their

tenants according to certain family or estate traditions, and not according to commercial principles purely and simply.

Chief occasions on which rentals are usually varied.

The occasions on which rents have been changed on estates of this description are, broadly speaking, three :—

(a) As the result of valuation on succession. Such a valuation is primarily for succession purposes ; but, as we have already seen, it is also frequently, if not generally, utilised for the purpose of revising the rental as well.

(b) In many cases, rents are raised on individual holdings as the result of a large expenditure by the landlord on permanent improvements. But the practice on various estates greatly differ with reference to this; on the majority, possibly, the rent is not raised on such an occasion, nor is interest charged on the outlay, though there are also many estates on which a different practice is followed.

(c) The rents of individual holdings are also revised on change of tenancies. On the largest estates no alteration is usually made in the rent if a son or daughter of the old tenant succeeds, but when there is a complete change of tenancy and no member of the former family succeeds, the rent is almost invariably revised, resulting, in the case of a rising market, in an increase, and with a falling market probably in a decrease.

In fact, permanent reductions in the old rents are almost invariably made of recent years to new tenants, and it was a common complaint before us that while old tenants often failed to get their rents permanently reduced, such reductions were pretty generally made to their successors : on the other hand, with a rising market, the custom would result in the raising of rents on each change. It is important to bear this fact in mind, as we were frequently informed that the rental of an estate had not been revised as a whole during the last 50 years, a statement which bore the meaning that no general valuation had been made which effected *uno ictu*, so to speak, a revision of every rent, but even in cases of this kind we almost invariably found it to be the custom to revise the rent on a change of tenancy."

"A case mentioned by Colonel Hughes may perhaps be quoted as illustrating the application of this custom on the Wynnstay Estates, even when the old occupier was re-accepted as a tenant after the determination of his original tenancy. During the anti-tithe agitation previous to the passing of the Act of 1891, one of Sir W. W. Wynn's tenants declined to pay the tithe, and in consequence received notice to quit. In subsequent negotiations the tenant, who wished to remain on, stubbornly declined to undertake to pay the tithe, and the owner then said that the 'tenancy must cease,' and in further reply to an appeal by the tenant to have the farm re-let to him added : 'I will have the value of it considered, and you shall have the refusal.' The farm was then valued by Colonel Hughes, who said, 'I went up and did my best and found the farm was a cheap one and that he was farming uncommonly well. I put the rent as low as I possibly could, and told the amount to Sir Watkin, who said, 'Well, we only want to do this for the sake of showing what our rules are,' and he cut it down and included the tithe.' The farm was then offered to the tenant, who took it under a fresh agreement, the advance in his rent being about £8 or £9. In other words, owing to the determination of the original tenancy, the tenant was treated as if he took the farm after a

complete change of tenancy, the farm was re-valued, its rent was revised and raised. The old rent was £72, the tithe which he had been paying was about £10 15s., and the new rent was fixed at £90, being about £9 more than the old rent and the tithe put together."

Principles guiding land valuer discussed and illustrated

"A valuation of some sort or other is generally made prior to a revision of rent. This valuation may be merely a perfunctory calculation as to what rent should be paid on the basis of a certain purchase-money, or it may be a rule-of-thumb estimate as to the increase that might safely be added to the rent paid by a previous tenant. On well-managed estates the valuation usually is a field-to-field survey of the land, and it is carefully conducted by experienced men. Landowners who are not themselves judges of the value of land, or who have not the time to conduct a detailed appraisement of their property have naturally to rely on the valuations made for them by their agents or by professional land valuers, and the rents are usually fixed according to these valuations. It is therefore of the utmost importance to ascertain according to what rules or principles valuations of holdings are usually conducted in Wales.

Case on Wynnstay Estate.

We shall take our first illustration from the Glanllyn Estate of Sir W. W. Wynn, a re-valuation of which has been carried out within the last few years by the agent, Colonel Hughes. One of the farms thus re-valued was Gwernhefin, a holding occupied by Mr. John Williams, a former sub-agent of the estate. As to its previous history, the following is Sir W. W. Wynn's own statement in a letter addressed to the present tenant in 1891 :—' With reference to the rental of the land you occupy, your statement that the rent was raised in 1867, at the time of your father's death, and again last year, is quite correct, but I must remind you that when you took the farm on your father's death the said farm was worth considerably more money than when he had occupied it, owing, no doubt, in a great measure to the energy and care he had bestowed upon it. In 1867, on your becoming tenant, the rent was raised £73.' With reference to the valuation which preceded this increase, Colonel Hughes interposed the observation that ' it was made by a man who was a real good valuer of land—who knew his business— the late Mr. William Jones.' This valuation, therefore, was made on the basis of the value of the farm as it stood, irrespective of the question by whom the improvements had been made. The value of the improvements made by the new tenant's father were not taken into account by the valuer so as to reduce his gross valuation, but was made the consideration for a gift—more or less of the nature of a

benevolent dole—to the old tenant's widow, partly, we may presume, in respect of her husband's services as agent, as well as of the improvements effected by him on the farm. For the son, the rent was therefore raised, some £73, which amount seems, however, to have been given as an annuity to his mother. Sir W. W. Wynn's own words as to the transaction are these : 'In consideration for what you had done on the farm, this sum was given as an annuity to his widow (your mother) by my predecessor.'

After Mr. Williams had resigned the agency in 1889, a fresh valuation was deemed necessary. Special instructions were given by the agent to a sub-agent for another part of the estate to make the valuation 'on the intrinsic value of the farm.' The following are the actual instructions given by Colonel Hughes on the occasion :—

'I want to arrive at this, what is the farm worth to a new tenant? Mr. Williams insists upon it that I wish to value it *upon his improvements*. . . . I have valued upon what I consider the intrinsic worth of the land; and Sir Watkin wishes that any claim, if such there be, should be threshed out and settled.'

There is only one meaning that can possibly be attached to these instructions, namely, that in this valuation, as in the previous one of 1867, the valuer was not authorised to take into account the question at whose expense the improvements had been made, but that the farm should be valued wholly irrespective of all questions of tenant right. In fact, the procedure adopted in this case was the following;—

Whatever the farm with all its improvements would be worth to a new tenant was first ascertained, and its rent was fixed accordingly. As to the improvements which the tenant had made, he was asked, on his demurring to the new valuation, to submit a claim in the same way as an ordinary outgoing tenant would be entitled to do; Colonel Hughes, in writing to the tenant subsequent to the valuation, said :—

'I am prepared to let the farm at £450 per annum [*i.e.*, at an advance of £50.], on the usual conditions, and if you consider you have a claim against Sir Watkin for improvements I have his authority to say that he wishes to have the thing threshed out and settled.'

We are not at present concerned with the further details of the case, but we may mention that the sitting tenant and his father had apparently improved the farm very considerably, the tenant himself stating that, including the manurial value of purchasing feeding stuffs consumed on the farm,

over £6,000 had been spent by him on the holding during the 20 years preceding the valuation; and as this statement was admitted in general terms, we may take it that the letting value of the farm was considerably increased owing to the tenant's improvements, though at the same time Colonel Hughes, owing to a curious confusion of ideas, would not admit that the increase of rent was due to the tenant's improvements. 'I do not think there is any farmer who has treated the land as Mr. Williams has; he has fed his cattle well. I never wish to see a farm better managed than Mr. Williams.' I did not go for the improvements. I particularly avoided it. . . . I admitted everything as to his generous treatment; we wished to pay for it, but I valued the farm on its merits.' The tenant stoutly maintained that the rent was raised entirely on his own improvements. 'The increased value is found in the increased rent I have to pay. Unimproved farms, right and left of me, are reduced. I find them reduced to the basis of 40 and 50 years ago.'

The valuation of Gwernhefin Farm, however, formed part of a general re-valuation of this estate. A field-to-field valuation was similarly made of over 50 other holdings in the district of Bala, and Colonel Hughes's general statement was that they were all valued on the same principle as Gwernhefin. 'I have taken each farm on its own merits as I found it, and have not looked at the rents before." (*See* p. 270).

Case on Lord Penrhyn's Estate.

Our second illustration as to the principles on which valuations are conducted for purposes of rental may be taken from the evidence of Colonel Sackville-West, chief agent for Lord Penrhyn's Welsh estates. The procedure adopted differs but slightly from that followed in the Gwernhefin case. A tenant of Lord Penrhyn said his farm had been re-valued about 1886, but that his rent was not reduced (except by the amount of the tithe) though considerable reductions were made on some neighbouring farms. 'I think,' added the tenant, 'that he would have had to reduce a good deal had it not been for the fact that I had spent a lot of money in improvements.'

The account given by Colonel West of the transaction was somewhat confused, and he had no very distinct recollection of what had occurred at the time when he made his valuation :—'It was my duty to value the farm as it was, and I may have told him so, or I may not. It certainly was my duty to do so.' This statement, however, he thus qualified a moment later, when he put it to him that the natural inference was that the rent was determined without regard to any improvements that a tenant may have made: 'By no means whatsoever,' he replied, 'when I value a farm I value the farm as it is, and then I ascertain how much of that value is due to the tenant's improvements. If I find that the whole of any increased value which I should put upon the farm, as compared with what it was before, is due to the tenant's improvements, I do not put any increased value whatever upon the farm.'

But the course which he adopted with reference to this holding seems to be a variation from this rule. He valued the farm and fixed its rent first, and then left it to the sitting tenant to claim compensation for

his unexhausted improvements, not with the view of reducing the valuation of his farm, but of obtaining a lump sum as compensation in the manner of a quitting tenant.

He said, 'I looked at the improvements at the time, and I did not consider that they were of any value. He has made no claim for any sum of money. If he will send me in a claim for any amount that he has expended I shall be glad to have the improvements valued in the fair course of valuation, and he shall be paid whatever that valuation may be. He has never made any claim as yet.'

In reply to further questions, Col. West stated that he was not in the habit of referring questions of that kind to some impartial person 'unless the tenant wished to do so.' Should a tenant, however, express such a wish, 'I should at once refer it to an impartial person,' he added, 'but I have had several cases of valuation of that kind in which the farm has been immensely improved by the tenant and in which I have not put any additional value upon it.'"

"Now there seems to us to be several obvious objections to this method of valuation, and of revising the rents of sitting tenants. By the very act of valuing, without first taking account of the tenant's improvements, the owner begins by technically appropriating to himself whatever improved value the tenant may have created in the holding. The tenant is then left to make a claim, which he knows he cannot sustain at law, however valuable his improvements might be, as the Agricultural Holdings Act provides compensation—not to sitting tenants—but to "quitting" tenants only. But even assuming that the landlord is willing to waive the legal objection, and to take any claim into consideration, the tenant is not in so independent a position as a quitting tenant to bargain as to the amount of compensation payable, inasmuch as he wishes to remain, probably for the rest of his life, on his present holding. In fact, the probability is that the tenant, under such circumstances, would not submit a claim at all, and in the two cases cited no such claims were in fact submitted, but we do not pretend to judge the justice of any claim which might have been preferred in either of these two cases.

Case on Lord Cawdor's Estate.

We may next take an example from South Wales to illustrate the principles on which valuations are usually conducted. With reference to Lord Cawdor's estate, the late agent informed us that a valuation had been made of the property in 1862, and he as agent, entering on his duties in 1863, had to re-let the farms at the rents fixed by the new valuation, but that he could not let them up to those rents: 'I had a great many things to take into consideration by Lord Cawdor's instructions—where there had been what could be called permanent improvements by the tenants, not exhausted, and where they had an undoubted claim, his Lordship advised me, 'I think it quite right that we should acknowledge and make some allowances in our re-lettings,' and I dare say the reductions in the re-letting of the whole property cost Lord Cawdor £1,000 at least a year in the yearly rents . . . By the valuation I dare say the increase would be about £6,000 a year, but the actual letting did not amount to an increase of £5,000.'

Here, again, we find that the farms were valued without any regard to the tenants' improvements, in respect of which, however, certain

allowances were subsequently made in accordance with Lord Cawdor's instructions.

We were, however, not told what guided the new agent (who was previously unacquainted with the estate) in deciding the amount of compensation to be allowed for; judging from his use of the expression that he was not able to let the farms up to the proposed rents, a tenant's importunity and pertinacity may have been the chief measure of his success in obtaining a reduction in the valuation.

The statement, at all events, gives us the impression that no very definite rule, except the rule of thumb, was followed in the matter.

Comments of Commissioners.

"There can be practically no doubt that most, if not all, the chief valuations which have been made in Wales, whether for the revision of rental or other purposes, have been conducted according to the method described in the various cases which we have just discussed. That the method is inequitable to the tenants is sometimes recognised by the re-letting of the holdings at a rent which is less than the valuer's assessment of the property. This was exactly what was done on Lord Cawdor's estate in 1863-4, and several similar instances may also be cited. After the valuation of Lord Dynevor's estate in 1874 by a professional valuer from England, 'all the farms were taken by the then sitting tenants at a very considerable reduction below what that valuer valued them at,' but even after taking such reductions into account the new rents showed an advance on the previous original rents, which, of course, may have been low before.

Lord Bagot's estate in Denbighshire was, on the other hand, valued by a local valuer well acquainted with land similar to that which he valued, but we were told that his valuation was not followed, as it was deemed to be too high.

A valuation of Lord Dunraven's estate, also made by a local valuer of large experience, was similarly discarded. The agent suggested as a reason that probably Lord Dunraven did not like to raise the rents.

The inference which we draw from these and similar cases is that in all such valuations the holdings are valued on their merits, and no deduction is made by the valuer in respect of improvements made by the tenants. That he does not do so is not the valuer's fault—he receives no instructions to do so—and if he were to receive such instructions it would be difficult, if not impossible, for him to carry them out in the absence of the necessary documents showing to whom the improved value of the farm should be credited. The more enlightened and liberal landowners would, on consideration, recognise the injustice wrought to the tenants by such a method of revising their rents, and would therefore feel disinclined, as Lord Dunraven did, to raise the rents on the tenants' improvements. In other cases, such as

Lord Cawdor's and Lord Dynevor's, a compromise is made by not raising the rents to the full amount of the valuation. This is a rough attempt at doing justice to the tenants' rights, but there is no guarantee for its success. As to the majority of owners, however, the probability seems to be, judging from the evidence before us, that they implicitly accept the result of a valuation, if done by a competent person, as a guide to be followed in the fixing of rents. If they make any reduction therefrom in respect of the tenant's improvements, it is not through any obligation at law, but it is as a special concession or even an act of generosity on the part of the owner."

The Commissioners make the following further observation as to the principles which guide agents and valuers in their valuation of land :—

The demand for land an important factor in increasing rents.

"The most important element in ascertaining the annual value of land is the extent of the demand for it, as all value is in fact dependent on the relation of supply to demand. Now, we have already seen that the demand for land in Wales has practically at all times been in excess of the supply ; in other words that a land hunger exists in the country. The inevitable economic result of such a state of things must be that the rents charged would also tend to be excessive. Col. Hughes's statement on this point was most explicit.

'I think there is no doubt about it that when everything went well, the landlords often got more than they ought to have got. There is no doubt about it. We all know that land went to a fabulous price. We are suffering at the present day as much as anything from the absurd value to which land rose. People cannot realise that land went above its value, and up to 1876 you could get any price for land, but now you know you cannot, you must get it at a fair value. There is no question about it that land was let too high.'

Temporary abatements and not permanent reductions most in favour with Welsh landowners.

"It is this difficulty to realise that 'land went above its value,' twenty years ago and more, which prevents Welsh landowners at present from frankly accepting the altered condition of things, and reducing their rents to the level of present prices. It was a common complaint, except in Monmouthshire and one or two similar districts, that landlords were doling out abatements when in fact they should be making permanent reductions. So great is the aversion of some landowners to converting an abatement into a reduction of equal amount that they prefer to lose old tenants rather than make the legally-fixed rent correspond to the

actual rent paid. No better reason could be given by the agent of one large estate for adhering to the fictitious rent than that 'its abandonment would open a precedent for all the others.'

We may observe that this reluctance to frankly acknowledge the reality, and in all probability the permanence, of the agricultural depression—though it has now lasted, with varying severity, since 1879—is most marked in the western and Welsh-speaking counties of the principality. Thus, while dealing with the history of rents in South-west Wales we found that, according to the Landowners' Association tables, only eight landowners had made general reductions in the three counties of Carmarthen, Cardigan, and Pembroke. Out of a total of 87 who had made returns 39 had made no reductions at all, while 14 had reduced the rent of one farm each, and another 14 had reduced rents of from two to five holdings each; the remaining 12 were described as having made reductions "in a few cases" or the like. (*See* p. 231).

Most of these landowners, it is true, had granted occasional abatements, some on a liberal scale, but such a recognition of the depression appeared to be objectionable to the more independent tenants, who generally described it as uncertain, intermittent, and capricious, and savouring too much of the nature of charity."

CHAPTER X.

MISCELLANEOUS.

We have hitherto dealt for the most part with the position of the tenant farmer only; but this by no means exhausts all the subjects which are involved in the popular expression—"the land question"—nor does it cover more than a part of the ground mapped out by the Commissioners in their interpretation of their terms of reference. There are, therefore, many other topics discussed in the report. They do not, it is true, occupy so large a share of the Commissioners' attention as the question of tenancy, but it would probably not be right to infer that therefore they are altogether of minor importance, though perhaps there is, with one or two exceptions, less urgency as to their settlement. On the whole they are not questions of such *general* interest as those which have been dealt with in preceding chapters, and on this account, as well as owing to considerations of space, our reference to them must necessarily be brief.

1.—CROWN LANDS IN WALES AND THEIR MANAGEMENT.

According to the theory of the law all lands in the possession of any subject is held either mediately or immediately from the sovereign—or, to put this doctrine in another form,—"all land in England and Wales forms parcel of some seigniory, lordship, honour or manor."

It was long denied that this doctrine, in its latter form, applied to Wales, and many contended that there were no manors within the Principality proper. (*See* pp. 185-9.)

The practical issue thus raised was that while the Crown claimed extensive tracts of unenclosed lands, as being the waste of its various lordships, the great landowners or freeholders asserted that though unenclosed, these lands were not common or waste at all, but formed part of their freehold, and that the Crown had in short no lordships or manors in Wales. The contention of the Crown was, however, finally upheld by the decision of the Court of Exchequer in 1868-9,

in the case of the *Attorney-General v. Reveley*, which established *first* that lordships and manors do exist in Wales, and *secondly* that the Crown has the same rights, with reference to its own manors in Wales, as it has in England.

The existence of Manors in Wales belonging to the Crown established.

At one time the landed property of the Crown in Wales was very extensive, and the revenues derived therefrom were stated by Sir John Dodridge as being in the 44th year of Elizabeth:—For North Wales, £1,138 19s. 8¼d., and for South Wales, £676 9s. 2½d., that is a total of £1,865 8s. 10¾d., and adds, that the charges being deducted, the net revenue was only £1,335 2s. 3¾d.

Extent of land revenues of the Crown in Elizabeth's reign.

James I. and Charles I., however, greatly lessened this property by means of extravagant grants. In the beginning of the reign of George III., after some further grants had been made or at least proposed by William III., the land revenue passed under the control of Parliament, and from that time on, improvident grants are no longer heard of, but there arose instead "a gradually increasing degree of neglect in payment of the rents and dues of the Crown, and hostility to the admission of Crown rights developed." The story given in the Report of the long-continued "fight" between the landowners of North Wales and the Crown authorities (especially Mr. John Wilkin, the Crown receiver), is most exciting reading, something very like pitched battles having occurred on more than one occasion between them. What inference is to be drawn from this account is, the Commissioners observe, "very largely a matter of opinion. But still we think that it must be admitted that the light which they throw on the history of the formation of the estates in those portions of the Principality which form Crown land, is valuable and significant. So far as they go they fully corroborate the belief, often expressed, that there has been on the part of the Crown tenants for centuries a large and continuous encroachment." (p. 202).

Subsequently diminished by 1. Extravagant grants.

2. And neglect in collecting rents.

Conflict between Crown and Welsh landowners.

Though the collection of the quit-rents and other dues of the Crown during the last 60 years has been conducted in a more energetic and successful manner, it is observed that much the same feelings of irritation are still exhibited by Welsh landowners who raise all possible obstacles against the payment to the Crown of these small dues and rents. In the evidence which Mr. Russell Sowray gave on behalf of the office of Woods and Forests (the department entrusted with the management of Crown lands, &c.), he said that it was only just and fair that this attitude of hostility should be illustrated by the case of one of the largest landowners in Wales, rather than by reference to the smaller proprietors; and he therefore instanced the following case (p. 204):—

Exemplified by the case of Sir W. W. Wynn.

"We have had very great difficulty with Sir Watkin Wynn for some time, with these ancient fee-farm rents, and they have been in arrear, a good many of the rents which were usually paid by him and his predecessors, for a good many years. It was in 1884 that the case was specially taken up with a view to induce Sir Watkin Wynn to settle for these rents, and to purchase them and wipe them off the list altogether. Negotiations were entered into with Sir Watkin Wynn's agent, and at last it came to an offer; a list was prepared of those rents which had been paid by his predecessors, and as to which he could not state that he had disposed of the properties. The list was made, and the offer was made to accept one-half the amount of the arrears as a compromise of the whole. That offer, as we understood, was accepted; at all events, whether there was a misunderstanding or not, I cannot say, but it was not acted upon, and, being unable to get any settlement, the Commissioner of Woods had to cause investigations to be made into those rents, to see in what cases Sir Watkin could be compelled to pay the full arrears."

In November, 1885, the Commissioner of Woods (the late Mr. Culley) had to write personally to Sir Watkin Wynn himself, stating that it would be neccessary for him to levy the arrears by distress at Wynnstay. "It is needless to say," Mr. Sowray continued, "that shortly after, the arrears were paid. But even now, we are unable to ascertain with sufficient precision the exact particulars of some of the rents to enable us to enforce payment, and they are still unpaid." With reference to this statement, Mr. O. S. Wynne (the former Wynnstay agent) stated that the quit-rents in question had not been demanded during the life-time of the late Sir Watkin Wynn, but as to this he appears to have been mistaken, though there was ground for his complaint in the fact that there had been irregularity in demanding payments. In conclusion the Commissioners make the following comments (p. 207):—

Comments of Commissioners on the dispute.

"In reference to the whole dispute we have to say that we are at a loss to understand why, seeing that it commenced in 1861, the Commissioners of Woods and Forests allowed 24 years to elapse before bringing the matter to a head, and at the same time we do not see why Mr. Culley should have adopted so apologetic an attitude.

"The rents were obviously due; the tenant's solicitors were evidently only relying on technical difficulties, and especially when we take into account that Sir W. Wynn was a Crown steward, we think the Department might have

peremptorily claimed the loyal co-operation of the absence of which Mr. Culley complains.

"However this may be, the serious thing seems to us to be the fact, amply declared in Mr Culley's letter, that the state of the books and records in the department is such that 'considerable labour' is required to determine points which if proper books and records had been kept from 1809 could not have occasioned any great difficulty. This brings us to a question of great importance. Why has no proper and exhaustive extent or survey been made of the Crown lands and their revenue?

"We think that the fact that prompt demand of or legal proceedings for the recovery of these rents necessitates exertion or even strain in the department affords no excuse for delay. If its staff is large enough the work should be done; if it is not large enough, it should be at once increased."

Crown lands in Wales largely sold during the last 100 years.

The unenclosed land which at present belongs to the Crown in Wales amounts to 84,110 acres, but since 1787 the Crown has sold no fewer than 279,691 acres (about two-thirds of which had been alloted in severalty under Enclosure Acts, the remaining being in most cases subject to certain common rights).

The Commissioners observe:—"If no sale at all had taken place the Crown would have at this moment in Wales an estate in severalty freed from all common rights of nearly 200,000 acres, and more than 150,000 acres of land subject to rights of common. Taking the acreage of Wales and Monmouthshire to be about 5,150,000 acres the Crown would in that case have been now seized of about one-fourteenth of the whole area of the county in question, and by the sales the Crown has lost the great increment in the value of this large proportion of the area during the last hundred years."

It is also added that the Crown authorities "seem to have shown on some occasions too ready a disposition to compromise claims and admit the titles of Welsh landowners; they have not always shown the same tenacity in maintaining Crown rights that private persons display in asserting and upholding theirs. But, making every allowance, we think that there has not been enough energy displayed in the defence of the Crown's rights." The Commissioners think that this was especially the case with reference to the sale to the late Sir W. Wynn, in 1856, of 23,639 acres (chiefly of mountain and moor land, subject, no doubt, to rights of common) situated in the counties of Denbigh and Merioneth, the purchase money received therefor being £6,331. While

Illustrated by the sale of over 23,000 acres to Sir W. W. Wynn

admitting that the price may have been satisfactory enough, if the possibility of all kinds of development be left out of account, what the Commissioners cannot understand is *why* this land was sold at all? What were the reasons which induced the Crown to part with its interest?

But why?

Policy of sales condemned.

"To put the matter in simple form we ask—why did an owner not obliged to sell, dispose of his interests, for a price possibly fair at the moment, at a time when every reasonable person might look forward (as no doubt the purchaser did) to a continual increase of value?

"In so putting the question we deal with the action of the departments from the point of view of an owner or an agent of a private estate. The moment we take into account the public and national considerations involved, the more puzzling this transaction becomes. The vendor represented one of the most permanent and at any rate the most stable interest in the State. It ought not, according to the most elementary notions of State duty, to have acted without reference to the common good of all classes concerned in or affected by the transaction. Yet the poor persons who had, by the tacit acquiescence of that vendor, improved and enclosed divers portions of this tract of land, were placed without any safeguard at the mercy of a purchaser who might be expected to deal with them from the narrow point of view of personal proprietary rights; and above all, the collective interest of the community in the development and use of this large tract of country was entirely ignored and made subordinate to the will of a Crown tenant who was already so notoriously influential as to be called, if only in jest, the "King of Wales." Under these circumstances we say that we see no reasonable or prudent justification for the transaction.

"It was indeed said that Sir W. W. Wynn claimed part of this land as his own. We see no justification in this. The Commissioners should have insisted on the public right if they were advised the lands claimed belonged to the Crown. If they did not see their way to maintaining their claim to the disputed parcels in the law courts, they ought to have yielded as to these parcels and dealt with the residue in the light of large consideration of public policy. Their easy compromise, if any real compromise indeed there was, was unbecoming to the position of a public department charged with the care of most important sovereign and national interests.

"We make no reflection on the late Sir Watkin Wynn in regard to this transaction, and we refer to it simply as a

typical instance of the way in which the department acted at this time" (pp. 209-210).

So much is stated in the General Report. In view of the foregoing and many other facts of a similar character, the Majority in their separate report (p. 930) make the following recommendations which are however endorsed by the Minority also:—

Recommendations as to Crown lands

"(1) That a Commission, the members of which should have, individually and collectively, the powers of judges of the High Court of Justice, should be appointed to survey, with the utmost particularity, the Crown lands and rights in Wales.

(2) This Commission, having those powers, should make an accurate map, or series of maps, of all the Crown manors, seigniories, wastes and estates, showing their metes and bounds; and should determine all questions of encroachment upon the Crown demesnes, wastes, or commons.

(3) The Commission should be empowered to call upon all landowners to come before them with their title deeds or evidence of possession, and then proceed to decide all questions of boundary or title which may be necessary for the making of the survey proposed.

(4) A proper extent of all the rents, dues, &c., payable from land in Wales to the Crown should be made in the same way.

Necessity for placing on a fair basis the financial relations between England and Wales.

"Another question, properly coming within this section, we have had to consider is, whether it is right, under existing legislation respecting the Crown lands, that the revenue of the Crown lands in Wales should be carried to a general account? On the one hand it may be urged that there is no separate treatment of the financial relations between Wales and England, that in the existing Acts of Parliament concerning finance the 13 counties which form the area of our inquiry are treated just like any other 13 counties, and that, therefore, there is no ground for suggesting that this head of public revenue should be dealt with otherwise than in the general account of the income of England and Wales. But, on the other hand, it is urged, or can be urged, that if the rateable values of England and Wales are compared, or even if the populations are compared, and if the application of existing taxation in the counties of England, and in the 13 counties of Wales, are compared, Wales is unfairly treated. It may be also urged, upon the historical ground, that there is a distinction between Wales and England, and that the Crown lands in Wales form part of territory formerly belonging to the Welsh people, or, at any rate, its rulers, and

that the profits of the Welsh estates ought to be applied for distinctively Welsh purposes. We have not taken sufficient evidence upon the financial relations of England and Wales to enable us to form an opinion upon this matter, and we only advert to it in order that attention may be given to the subject with a view, possibly, to the making of a fairer arrangement."

The Commissioners' recommendations under this head end here. They do not appear to have thought fit to endorse the radical suggestion made by Mr. Arthur J. Williams (late M.P. for South Glamorgan) as a member of the Select Committee on Crown Lands in 1890. Mr. Williams' proposal was that the management of the Crown Lands in each county of Wales and Monmouthshire be transferred to the County Councils, and the proceeds applied for public purposes within such counties, or failing this that the officials of each County Council should be charged with the local administration of Crown property under the direction and control of the Commissioners of Woods and Forests.

Quasi-private property of Crown in Wales: Lordship of Ogmore.

The Crown Lands which we have just dealt with belong to the nation, but the Crown has other property in Wales, of a *quasi*-private character, the revenue of which is, it appears, carried to Her Majesty's Privy Purse (pp. 225-9).* The land which is so owned is the Manor of Ogmore, in Glamorganshire, which forms part of the possessions of the Duchy of Lancaster. In addition to valuable mineral property to the north of Bridgend there belong at present to this lordship to the south of Bridgend 1,030 acres of "downs" or commons, chiefly in the neighbourhood of St. Bride's Major and Southerndown. A short time ago Mr. Arthur Williams submitted to the Duchy a scheme proposing that powers for the management of this property be conferred upon a Committee of the County Council of Glamorgan by a provisional order under an Enclosure Act, which should be promoted by the Duchy authorities. In his evidence before the Commission Mr. Williams further explained his views as to the best means for developing "this beautiful country" as a seaside and holiday resort for the teeming population of Glamorganshire. All that the Commissioners have to say to this, however, is that "with regard to the development of Southerndown as a seaside place of recreation for the ever-

Scheme for its development proposed by Mr. A. J. Williams.

* With reference to this point, Mr. Arthur Williams, after observing that the lordship of Ogmore "remains *quasi*-private property of the reigning sovereign," added: "Of course I do not suppose anyone will dispute that it is national property, but until the demise of the Crown occurs, it is clear we can only expect the comptroller of the private property of the Crown to do anything with its assent."

increasing population of Glamorganshire and Monmouthshire, while we think that Mr. Arthur Williams' suggestion is one of great value, we have not had sufficient evidence upon the point to enable us to make any practical and detailed suggestions to the Office of the Duchy.

Commissioners recommendations.

We were impressed by the readiness of Sir Gardner Englehart [the Clerk to the Council of the Duchy of Lancaster] to regard the general public interest as a matter to be considered in the management of this property. We suggest that the Office of the Duchy should institute a local inquiry as to the accommodation at present provided for persons visiting Southerndown and adjacent points, and as to the means by which that accommodation could be increased, and whether, in conjunction with the County Council of Glamorganshire, a scheme, which might be profitable to the Duchy, and at the same time advantageous to the community, might not be devised."

So far as the user of common and waste lands is concerned, the Commissioners express the opinion that there is no reason why those portions of the Duchy estate should not be treated in the same way as other commons, and made subject to the legislation in regard to the regulation of commons which the Commissioners recommend later, and with which we shall presently deal.

2.—COMMON LANDS AND THE EXERCISE OF MANORIAL RIGHTS AS TO SQUATTERS AND OTHERS.

As to the general question of Commons (pp. 210-225) it is observed that the earliest Enclosure Act with regard to Wales was passed in 1732, and for the next 60 years scarcely a dozen Acts of the kind were passed for Wales, but in the earlier years of this century, they came thick and fast, especially in the border counties.

The enclosure of Commons during the last 100 years.

"The total quantity enclosed since 1797 is estimated at over a million acres, inasmuch as it was estimated that in 1795 there were 1,696,827 acres of waste or unenclosed land in Wales."

The result is that at the present time there are only about 693,628 acres of common or unenclosed waste in Wales. It is observed that many "witnesses complained of the inadequacy of the allotments under most awards for general or public purposes, especially for recreation grounds, for turbary, for the poor, and for charitable purposes. It

was also said that in many cases the parcels awarded for such purposes were situated inconveniently or were of a practically worthless character. Even accepting the principles on which the Inclosure Acts were based as being sound, insufficient regard was paid by most Commissioners in making their awards to the admitted, but vague, interests of the inhabitants of the districts affected, who were neither owners nor commoners."

Unsatisfactory results, in some cases.

In illustration, a table is given showing the enclosures carried out by Mr. J. M. Davies, of Froodvale, and his father, since 1854, and, according to this, fewer than 600 acres out of nearly 26,000 acres were awarded for all public purposes, and only about 36 acres for recreation grounds. Some specific complaints as to alleged grievances in connection with allotments for public purposes are then dealt with, and the Commissioners express the hope that the new authorities which have recently been created by the various Local Government Acts "will, by vigilantly exercising their powers, to some extent, at any rate, protect the public in the enjoyment of public rights."

Case of Pontypridd Common.

The case of the Coedpenmaen Common, near Pontypridd, is, among others, referred to (p. 218). Here, a small part of the common was allotted as recreation ground, but there was reserved for the lord of the manor (the Marquis of Bute) a right to quarry for stone therein—a right which, according to some witnesses he is exercising to the detriment of its user for recreation purposes. The Commissioners thus comment on the matter :—"Assuming that the Marquis of Bute is acting within his strict legal rights, opinions will naturally differ as to the propriety of his action. But whatever opinion may be entertained as to the propriety, on moral and social grounds, of his insisting on his rights to the detriment of the public health and convenience, we think that it is a very lamentable thing that this Inclosure Act should have been allowed to pass in a form so injurious to the inhabitants of Pontypridd, and that the Commissioner should not have taken greater pains to make the Award clearer, and, if he had the power, to prevent the lord of the manor from having a right which, for practical purposes, rendered the allotment to the public vain and useless."

Complaints as to the treatment of Squatters.

Another set of complaints which the Commissioners received in connection with commons related to the alleged harsh treatment of small encroachers, who are designated by the general term "squatters" (pp. 579-597).

It is a notable circumstance that there survives in Wales a traditional notion, erroneous in point of law, but

practically universal, that by building on a common a *ty unnos* (literally, "a one-night house,") freehold rights could be acquired. In Radnorshire such a hut is facetiously known as "morning surprise." The custom of building these *tai unnos* was, within living memory, quite common in most parts of Wales where there were extensive wastes. They were erected on a waste in a single night, and an essential point was that smoke should be seen issuing from the chimney by dawn of day.

Who have built *tai unnos*, on Commons.

The origin of the custom is obscure, but whatever it be, the custom itself is, or has been, well established in Wales.

"No instance has come under our notice," the Commissioners say, "of any commoner or tenant farmer (as such) taking active steps against the builder of a *ty un-nos* It is the lord of the manor who intervenes; and he does so, not by trying to stop people from encroaching, but, as a rule, demanding a rent before the expiration of the period of limitation (formerly 20, but now, 12 years)—which would ordinarily bar his right—has elapsed.

Speaking generally, the encroacher had no objection at all to paying a small rent, because the practically universal belief was that the rent demanded and paid was, under the circumstances, an unalterable quit-rent, the payment of which did not abridge the rights of the tenant. It is singular that the Rev. Abraham Roberts, speaking in reference to the demand of rent from the squatters in Llanbrynmair parish, and the inducement held out by the agents to them to pay a small rent, says the 'agents would come to offer the *protection* of Sir Watkin.'"

The reclamation of the higher land largely due to Squatters.

As to the extent to which encroachments of this kind were from time to time made, and small plots of unenclosed land successively fenced in and cultivated, the Commissioners state that "every indication points to the process having gone on from generation to generation, and that many of the present small holdings had their actual origin in the practice. . . . The small encroachers have played a very considerable part in the actual reclamation and improvement of the higher land of Wales," in fact, "much of the land now enclosed and cultivated and in the possession of tenants from year to year, was originally an encroachment from the waste, in respect of which the encroacher has attorned tenant to a lord or neighbouring owner, and which has been enlarged from time to time. The practice of encroachment seems clearly to have been for a very long period (whatever its origin) sanctioned by public opinion, and therefore to have been felt right and just; and in no other way can the survival of the custom of

ty un-nos in such changed economic and legal circumstances as those of the last 80 or 90 years in Wales be explained than by the inference that it represented formerly a well-defined and universal usage" (p. 578).

Their prevalence in Cardigan, Montgomery and Monmouth.

"The cottages in many districts appear to have almost entirely originated in squatters' settlements, a fact which accounts for the wretched accommodation which is characteristic of the majority of them. This was, in fact, observed in 1869 by more than one of the Commissioners who then inquired in Wales as to the employment of children, &c., in agriculture.*

Thus Mr. Tremenheere, in writing of Cardiganshire, makes the following important statement:—'The result is the existence of perhaps a greater number of cottages unfit for the habitation of human beings than is to be found within an equal area in any part of Great Britain. Most of these cottages are occupied by their owners until the expiration of the leases or they tumble down from age and decay. I was informed by Mr. Fryer, the agent of Sir Pryse Pryse, Bart., one of the largest landed proprietors in Cardiganshire, that out of his 500 cottage tenants only 40 pay rack rents. A landed proprietor, the cottages on whose estates are thus held, is almost powerless for the purpose of improvement. He cannot turn out the squatter or his descendant, who, by long acquiescence, has acquired *quasi* proprietary rights, and when the leases have been granted he must wait for their expiration before he can ever think of rebuilding.' With reference also to Montgomeryshire, Mr Tremenheere states that the same practice of squatting had prevailed to a considerable extent. In their summary Report, the Commissioners of 1869 make the following statement with reference to another county:—'In Monmouthshire one cause of the prevalence of an inferior class of cottages is the large number that have been built by 'squatters,' and which are either freehold or held at a nominal rent. Of the latter class there are said to be 'morethan 800 on the Duke of Beaufort's estate alone.''

Lord Bute and the Cowbridge Squatters.

From among certain typical or representative cases which are reviewed by the Commissioners in their Report (pp. 579-587) we shall refer by way of illustration to the case of the Marquis of Bute and the Cowbridge Squatters, which was brought forward in the first instance by Mr. Edward John, of Cowbridge:—

"The encroachments and buildings referred to took place upon divers pieces of waste ground between Cowbridge and Llantwit Major, in one of the several manors of which Lord Bute is lord in this district. The admitted facts appear to be these: Some 60 small encroachments had been made upon the wastes at different times but at periods by no means recent, and at least 18 cottages had been built. The encroachers paid small rents to Lord Bute; and, as this part of Lord Bute's estate is detached from the bulk of the property, and the difficulty of collecting the rents was considerable, it was determined to sell them, and accordingly

* This was also observed in 1892-93 by the Assistant Agricultural Commissioner of the Labour Commission. In referring to the comparatively modern origin of most country villages in Wales, he writes (par. 45): 'Many of the older villages appear to have originated in cottages built by squatters upon the wastes. These are generally distinguished by the wretchedness of the dwellings, the largeness of their gardens, and the occasional addition of small plots of land, rendering the settlement more scattered than the ordinary type of modern village.'

they were put up for sale by auction in 69 lots, and in due course were sold, after the tenants had an opportunity of buying them at prices deemed by Lord Bute's agent to be low. The number of lots sold was 69, of which 28 were, or had been, let on lease, and the remainder held, according to the agent's view, on an annual tenancy. The cottages were undoubtedly built by, and at the expense of, the tenants or their predecessors, and it was not suggested that Lord Bute had ever contributed anything either towards the houses or towards the making of walls and fences."

In Mr. John's view, Lord Bute simply "confiscated the whole lot of them," but the estate agent explained that his lordship had simply exercised his legal rights, and the Commissioners observe that undoubtedly that was the case. "But this does not conclude the question raised by Mr. John's evidence—whether it was right, seeing that the buildings were erected by the tenant's predecessors in title, and that not a penny was spent on any of these small lots by the Bute Estate, to sell the lots at all? It is clear that the original encroachers and their successors were ignorant of the legal position, and that they acted under the wrong notion that by acknowleding the Lord of the Manor's right and paying a small rent they became freeholders. It is equally clear that the predecessor in title of Lord Bute either "stood by" or actively encouraged the encroachments, and allowed the original squatters to expend their capital and labour on his land. One element in considering the justice of Lord Bute's action is, of course, the consideration that these tenants and their predecessors had had the enjoyment of the holdings for considerable periods. However this may be, when the matter is looked upon in a broader than the merely economical manner, we cannot but think that the action of Lord Bute or his agent, however legally defensible and economically justifiable, was a harsh and inexpedient exercise of the rights of ownership."

A somewhat similar opinion is pronounced by the Commissioners as to the other cases with which they deal in their Report, and in which lords of manors exacted rack rents from encroachers, evicted them for non-payment, or sold their cottages and encroachments.

Other cases referred to,

Thus Mr. Davies-Cooke, of Gwysaney, after a "test case" heard at the Mold Assizes in 1875, succeeded in compelling a number of squatters in the Manor of Ewloe (near Buckley) to pay "rents which if not rack rents approximate more or less to the annual value. But though this is the case, the tenants themselves clearly feel that they have been harshly treated, and retain the notion that having expended their capital and labour on the waste, having only paid originally nominal rents, they have, if not on legal, yet

ethical grounds, a property in their holdings larger than that which the operation of our existing law in fact accords."

With reference to the sale of squatters enclosures and cottages in Llangeler and Cilrhedyn (in West Carmarthenshire) by the Earl of Cawdor, some years ago, the Commissioners similarly observe that there is no reason to believe that Lord Cawdor in any way exceeded his legal rights as Lord of the Manor.

Reference is also made to the treatment of squatters by the Earl of Powis, in Montgomeryshire and by Sir W. W. Wynn in that county and in Merioneth—but to these we have already incidentally alluded at page 274, and they observe, in conclusion, that "similar instances could be cited from the evidence with reference to nearly every county in Wales."

Encroachments on Crown wastes.

Encroachments by squatters and others have probably been even more numerous and extensive on Crown wastes than on the wastes of private manors in Wales. From figures supplied by Mr. Russell Sowray (late of the office of Woods & Forests) as to encroachments (made subsequent to 1770) in three Crown lordships, the Commissioners obtain this result:—"about one twenty-second part of seven parishes in the manor of South Ugre represents an encroachment on Crown land; about one-seventh part of the area of four parishes in Denbigh manor and abont one-fifteenth part of the parish of Llandwrog represents similar encroachments.

"If Mr. Russell Sowray's sets of instances be taken as fairly representative it is difficult to avoid the inference that a very considerable percentage of the total acreage of freehold land in Wales represents an aggregate of what were originally small encroachments on Crown lands, some of which have been acquired subsequently by grant and others which have become vested in the present owners by lapse of time" (pp. 588-9).

The evidence given by Welsh witnesses in 1844 before the select committee on the Inclosure of Commons, goes far to support this view, as nearly every witness seems to have stated that encroachments had been made to a very considerable extent.

How Squatters have been dealt with by the Crown.

As to the attitude of the Crown towards squatters it is observed moreover that formerly it made no effort to check the squatters, or at any rate did not as a rule encourage them, though in one parish (that of Llandwrog) the Crown bailiff actually assisted the people to mark out encroachments, but as soon as this was discovered it was stopped by the chief office.

When the Crown sold seignorial rights in Wales, which was extensively done as we have seen—the squatters as a rule suffered considerable hardship at the hands of the purchasers, who either evicted them or exacted rack rents in the manner of the lords of other private manors. But "since the Crown has adopted the plan of keeping the wastes as waste, the usual practice with regard to encroachments has been to have them periodically surveyed and valued, and to charge as rent one quarter of the annual value of the lands and buildings to the encroachers, the reduction being in consideration of the fact that although he has done an illegal act, he has spent money in enclosing the land and erecting the building. Thus, when a tenant has occupied for a number of years—35 to 40 years—and has had the opportunity of getting back his money under this small rent, the rent is, in some cases, raised; or, if an encroacher gives up his holding for any reason and a stranger who has made no expenditure comes in, the rent is raised."

It was inevitable that the Crown, like the Marquis of Bute and other owners, should have come into sharp conflict with the squatters when it was found necessary to advance their rents, &c., but the Commissioners "gladly recognise that no specific hardships have occurred to individual squatters upon Crown lands as happened, for instance, in the case of the general sale of Lord Bute's plots of land."

Squatters of Llanwnda and Llandwrog, Carnarvonshire.

The chief case cited under this head in the Report refers to some 134 encroachers in the parishes of Llanwnda and Llandwrog, in Carnarvonshire. Two witnesses on their behalf complained before the Commission of their treatment by the Office of Woods and Forests, and the following is the conclusion arrived at by the Commissioners in the matter (p. 597):—

The Commissioners' recommendation.

"We find that the real grievance, is that the rents are, under the circumstances, too high; but we think it not necessary to decide the question whether the Crown has been asking or is asking more than is just and fair; at the same time we recommend the Crown to treat the existing tenants there liberally, and to grant to such of them, as are willing to accept them, leases for a considerable term of years (say for 50 years) at a rental representing not more than one-fourth of the present improved annual value of the buildings and premises. The existing cases are really special, and similar ones need not recur if the Commissioners will, through its local officers, exercise that degree of vigilance upon the Crown estate which is familiar enough on the part of private owners."

Royal rights exercised by private persons, *e.g.*, the Duke of Beaufort's seigniorial rights at Swansea.

This is, perhaps, the most convenient place to refer to the possession and exercise by subjects of "royal franchises" in a way which is described as detrimental to the public interest. Perhaps the most interesting case under this head refers to the seigniorial rights exercised by the Duke of Beaufort in and around Swansea. As seignior of Gower, his Grace has rights of ownership over the foreshore at Swansea and elsewhere and over the bed of the river Tawe, and in virtue thereof he treats them as his freehold. The contention of the Swansea Corporation is that the seigniorial rights which he possesses were conferred on his predecessor in title, not for his individual benefit, but for the benefit and enjoyment of the community at large. The Commissioners reproduce (p. 189 *et seq.*) the evidence given on behalf of the Swansea Corporation and by Mr. Sidney Hartland on the one hand, and by his Grace's representatives on the other hand, but they deem it inexpedient "to pronounce a decision upon the issue of facts thus raised. It is of importance in our eyes as showing the vigilant care taken to press the rights of the Duke of Beaufort to their utmost legal extent, and as an illustration of the inconvenient economic effect of allowing vague rights to persons whose position enables their agents to exercise pressure (however well-founded in law) upon others engaged in industrial pursuits." Their comments are, however, more pointed with reference to the sale to the Marquis of Bute of a tract of foreshore at Cardiff, and we, therefore, reproduce their remarks in full (p. 193):—

The sale of foreshore at Cardiff to the Marquis of Bute.

"The evidence laid before us by Mr. Trevor of the Board of Trade in reference to a considerable stretch of foreshore of Cardiff is worth mention. It appears that the Marquis of Bute was claiming, and had for some time claimed, a considerable tract of shore at Cardiff, and that in 1888 the Crown sold the foreshore, amounting to 1,211 acres, for £6,055. Mr. Trevor informed us that the Crown was in possession of this foreshore in the same way that it is in possession of most of the foreshore of the island. He said that there had been several encroachments on the shore, which his Board had attempted to prevent and stop, and that they found their hands were very weak in doing so. He said: 'In fact, in some of them we were put at defiance, and the then President considered that it was a very good compromise to make with an offer of the kind made by the Marquis of Bute.' There was no local enquiry of any kind by the Board of Trade into the question whether it was expedient or not to hand over the foreshore rights to the Marquis of Bute, nor was any notice whatever given to the Corporation or the authorities of the intention to yield to the claim made by the Marquis of Bute.

As no one on behalf of the Marquis of Bute explained the nature of his title, and as Mr. Trevor did not lay any papers before us, we are quite unable to say whether the compromise was, or was not, expedient in the public interest. Having regard to the great progress made by Cardiff during the last 70 years, to its immense importance as one of the ports of the kingdom, and to the probability of the necessity of the increase of its dock accommodation, it certainly seems to us that it was a strange course

of proceeding for the Board of Trade to conclude a compromise upon so vital a matter without giving any notice to the Corporation of Cardiff or allowing it an opportunity of considering whether it was worth its while to ask the Crown to defend the public or corporate interest against the private claim of the Marquis of Bute.

The Marquis of Bute has already an enormous interest in the Cardiff docks, and consequently great influence in matters relating to the trade of the port. To extend that influence by a sale of further foreshore rights, appears to us matter of questionable public policy.

We, of course, pass no judgment upon the claims of the Marquis of Bute. Our strictures are intended to apply merely to the method followed by the Board of Trade. We understand that no responsibility attaches to Mr. Trevor, inasmuch as the so-called compromise was effected by the express instructions of the then President of the Board of Trade. It is not stated that the opinion of the Law Officers of the Crown was taken; nor that any serious investigation into the nature and strength of the Marquis of Bute's claim was made by anyone. It is indeed said by Mr Trevor that the local advisers of the Board (we understand the advisers at Cardiff), thought the Marquis of Bute had a strong case, but nothing is laid before us to show how far they were in a position to give sound advice on so difficult a matter of law and fact."

Commissioners' recommendations as to the regulation of Commons.

As to the question of commons, and manorial rights generally, the Majority in their separate Report (p. 929) add the following observations (which have the approval of the Minority also) :—"We have seen that recent legislation recognises a public interest in common land. Inclosure can now only take place when the circumstances are such as to make them beneficial to the whole community. The machinery of the manorial courts is not, however, any longer sufficient to secure the rights of commoners among themselves, and we think that some local authority—*e.g.*, the county council—should have power to make bye-laws regulating the use of commons by the commoners for pastoral and other purposes; and that the enlarged powers of user should be given to the public for purposes of health and recreation under proper conditions to be laid down by the County Council. This leads us to point out that it seems that County and District Councils have not at the present time any power to purchase the rights of a lord of a manor (however desirable it may be to secure them) even by voluntary agreement. We think that the power of acquiring such rights in the public interest by agreement should be vested both in County and District Councils."

3.—THE CONTINUITY OF ESTATES.

The evolution of estates is another subject which is treated historically in the Report (pp. 233-243), and an attempt is made to show how, out of tribal and mediæval conditions, the modern organisations known as estates, were built up from time to time. Leaving the earlier stages of this process, we may mention that according to the Report,

Wales like England was, by the time of James I., divided into estates not dissimilar in character to those of our own day; as to a slightly later period the Commissioners observe :—

Smallness of Welsh estates 2 or 3 centuries ago.

"Speaking broadly the estates of the gentry in Wales in the 17th century appear to have been small—possibly many may have been extensive in area, but certainly from the point of view of annual value they were as a rule very small. Major-General Berry, writing to Cromwell, says: "You can sooner find fifty gentlemen of £100 a year than five of £500;" and going back to Tudor times, the conclusion to be formed from the observations of at least one contemporary observer of Wales—John Leland—is that the Welsh estates were then, as a rule, small both in extent and revenue. Rowlands, too, in his "Llyfryddiaeth y Cymry" (p. 195), has preserved some lines, which he describes as ancient, concerning Radnorshire, which are to the same effect :—

Alas! alas! poor Radnorshire,
Never a park nor ever a deer,
Nor ever a Squire of five hundred a year
Save Richard Fowler of Abbey Cwm-hir."

Their continuity as economic units.

But the whole tendency of events towards the close of the 17th century and throughout the 18th was in the direction of the enlargement of estates and (to some extent) the extinction of the smaller gentry or larger yeomen. But on the whole, Welsh estates can boast of a long record of continuity as economic units.

"We are struck," the Commissioners observe, "not only by the permanence of these organizations but by the fact that in some cases estates have remained in the hands of the same families (*i.e.*, being transferred only on death or marriage) as continually growing aggregates of lands for hundreds of years, and in many for several generations. We mention this fact because there is a tendency, not supported by our observation or the evidence, to exaggerate the extent to which capitalists of commercial or industrial extraction have become estate owners."

Present size and Distribution.

As to the size of estates and the distribution of land amongst owners, the Commissioners rely on the official return of "Owners of Land" made in 1876, and published in what is popularly known as the "New Domesday Book."

The table which is here reproduced is, therefore, extracted from the House of Commons Returns (No. 335, 1876) :—

THE NUMBER OF ESTATES OF 500 ACRES AND UPWARDS IN WALES IN 1876.

NAME OF COUNTY.	Number of Persons owning.						Total.
	500 to 1,000 Acres.	1,000 to 2,000 Acres.	2,000 to 5,000 Acres.	5,000 to 10,000 Acres.	10,000 to 20,000 Acres.	20,000 to 50,000 Acres.	
Anglesey ...	19	9	8	5	2	—	43
Brecon ...	48	26	30	5	—	1	110
Cardigan ...	48	30	24	3	1	3	109
Carmarthen ...	88	50	26	9	1	1	175
Carnarvon ...	27	18	8	6	1	4	64
Denbigh ...	51	36	19	8	1	1	116
Flint	22	12	11	3	—	—	48
Glamorgan ...	52	42	24	12	1	3	134
Merioneth ...	51	33	17	5	4	1	111
Montgomery ...	64	32	25	2	1	2	126
Pembroke ...	49	37	27	6	3	—	122
Radnor ...	34	13	14	5	1	—	67
Monmouth ...	40	17	15	1	1	2	76
Total ...	593	355	248	70	17	18	1,301

As to the question whether the owners reside on their estates, the Commissioners observe (p. 261) "that *complete* absenteeism is, no doubt, comparatively rare in Wales, in regard to estates of such a size as to afford sufficient income to maintain a family comfortably. In fact, we are inclined to think that in proportion to their numbers a larger percentage of the Welsh landlords reside all or nearly all the year on their estates than is the case in any corresponding area in England."

4.—SMALL FREEHOLDERS.

This—very briefly put—is the history of the estates and estate-owners of the country—but what about the smaller proprietors, the yeomen or small freeholders who were said to be so numerous in the 17th century? Their history during the last 100 years is dealt with at some length (at

pp. 549-575), but it is unnecessary that we should reproduce here anything more than the Commissioners' summary of that history (p. 574), which is as follows:—

History of small freeholders during 19th century.

"Towards the end of the last century a considerable number of small freeholders existed in various parts of Wales, but more especially in the south-western counties of Carmarthen, Cardigan, and Pembroke.

The great industrial development which signalised the first half of the century, as well as the chronic depression in agriculture which practically lasted, with but few intermissions, from 1815 to about 1850, produced a most marked diminution in the number of this class, with the result that very few of the present race of freeholders have inherited their holdings for more than one generation.

The improvement in agriculture which commenced about 1850 gave a new incentive to tenants to buy their holdings, and this desire was greatly strengthened at a later date when a sense of insecurity grew up among the tenantry, owing to the evictions of 1859, 1868, and subsequent years.

This commonly believed insecurity of tenure, the feeling of attachment to the old home, and the characteristic land hunger of the people, have therefore combined to make tenants far more eager, of recent years, to buy their holdings than they were in the first half of the century.

With the extension of the franchise in 1867 and subsequently in 1883, political influence in Wales ceased to be entirely or even very largely dependent on the ownership of extensive estates. This, as well as other considerations, has induced many landowners to sell outlying portions of their estates and such sales, while aggravating the tenants' sense of insecurity, have also added to their opportunities of purchasing their holdings.

Though the numbers of occupying owners have from these causes considerably increased during the last 30 years they still form, however, but a comparatively small proportion of the total number of occupiers of land in the country.*

* * * *

Those who have bought their holdings during the last 30 years or subsequent to about 1868, purchased generally at very high prices, and had to borrow largely for that purpose, at a rate of interest averaging about 4 per cent.

* The proportion of occupying freeholders to tenant farmers for each county in Wales, and the acreage of land cultivated by each class, have been already shown on p. 106 above. According to this table the freeholders form in Cardiganshire nearly 21 per cent. of the total farmers, in Anglesey 13½ per cent., in Carmarthenshire 12½; in Pembrokeshire 12; and in Radnorshire and Monmouthshire about 11 per cent. each.

Many thus pay more in interest than the rent of the holding was previous to its sale, especially as in most cases, the purchasers have been unable to pay off any considerable portion of the original mortgage.

Economically, therefore, the small freeholders are in a worse position than the tenant farmers. While the more prudent landowners exercise a cheque on the competition of their tenants, and generally accept something less than the competition rent for their holdings, no such cheque is brought to bear on the purchasing tenant when bidding excitedly in the auction room for the freehold of his farm. Nor, having once given a competition price for the freehold, does he get the interest on that capital reduced, or any arrears wiped off, in times of agricultural depression."

Rates of interest paid in typical cases.

As to the number of years' purchase at which the freeholds referred to were bought, and the rate of interest paid on the mortgages, the Commissioners give the results of confidential inquiries which they made in various districts in all the Western Counties of Wales as follows :—

"Taking 100 cases from typical districts in each of the six counties of West Wales, the following table represents approximately the rate of interest that is now being paid in each case :

3	per cent.	per annum	paid by	1
$3\frac{1}{4}$	,,	,,	... ...	1
$3\frac{1}{2}$	,,	,,	... ...	4
$3\frac{3}{4}$	,,	,,	... ...	10
4	,,	,,	... ...	75
$4\frac{1}{2}$	,,	,,	... ...	6
5	,,	,,	... ...	3
				100

"Thus 75 of the mortgages would seem to be bearing 4 per cent. interest. In most cases where the lower rates of interest prevail, explanatory remarks were frequently added to the replies which we received, to the effect that sums of money have been expended by the occupiers in new buildings or extensive repairs, or that the money was supplied by a relative of the purchaser.

Amount of purchase money paid for holdings

Analysing the replies as to the number of years' purchase paid in 100 cases, we find that the result works out somewhat as follows :—

Number of Holdings Purchased.			Number of Years' Purchase.
5	...	...	At 20 years' purchase.
46	...	...	,, 20 to 30 years' purchase.
23	...	...	,, 30 to 40 ,,
12	...	...	,, 40 to 50 ,,
8	...	...	,, 50 to 60 ,,
2	...	...	,, 60 to 70 ,,
2	...	...	,, 70 to 80 ,,
1	...	...	,, 80 to 90 ,,
1	...	...	,, 90 to 100 ,,
100			

Petition for Government relief.

A petition (described as being "5 yards long"), signed by the small freeholders of West Carmarthenshire, North Pembrokeshire, and Lower Cardiganshire, was presented to the House of Commons by Mr. J. Lloyd Morgan, M.P., in May, 1893, its prayer being that the Government be empowered "to advance money to Welsh farmers on mortgage of their property to the extent of about three-fourths of their value, and at such a rate of interest (say £3 per centum per annum), as will relieve them from the great hardship they are now suffering."

Mr. C. E. Morgan Richardson, of Cardigan, who is said to have had an almost unique experience in obtaining loans for the mortgaged freeholders of the district referred to, prepared and published a scheme providing for State loans for the relief of this class,* and this he explained to the Commission as follows :—

Scheme of relief suggested.

'My scheme was to have appointed a Board of Commissioners, consisting of three or four in number, well acquainted with the subject of advancing money on mortgage of land, and be assisted by such surveyors and clerks as they consider necessary, and to vest in them a sum of money which they would have power to lend on mortgage to the freeholders of Wales. I would particularly suggest that they should have the power of lending a sum of £5,000,000, which has already been allocated for the purpose under the suggestion of the Select Committee of the House of Commons which sat on the Small Holdings Act, and a sum of money which, in consequence of the cumbrous machinery which disfigures that Act, remains intact, or almost intact, at the present time. My suggestions were that this money should be lent at 3 per cent. to the farmers, and that they should also provide for an increased rate of interest, so as to repay the principal within a given time, and I suggested the term of 50 years, for which purpose it would be necessary to make an annual contribution of $\frac{1}{8}$ths per cent., increasing the rate of interest from 3 to $3\frac{7}{8}$ths per cent. But in my pamphlet I took into account the necessity for insuring the buildings on all the farms which were to be mortgaged, and I think that I estimated that at too high a figure, and therefore suggested that $3\frac{1}{3}$th per cent. would be a sufficient rate of interest to pay on the mortgage and $\frac{1}{8}$th, making a total of 4 per cent. But as the premium rates would not

* *State Loans to Freeholders* (Cardiff, 1894).

amount in any case to as much as $\frac{1}{2}$0th per cent. on the amount borrowed, I think now that 3 per cent. would be quite sufficient for the purpose, and my proposal would be that the amount should stand over for a term of 50 years at $3\frac{1}{8}$ths instead of 4 per cent., as suggested in my pamphlet.'

The Commissioners observe that "a scheme, not dissimilar from that sketched by Mr Richardson, has been in operation in a limited way in Wales for several years past.

Land Purchase Scheme of the Ecclesiastical Commissioners.

According to Mr. A. De Bock Porter, 'the Ecclesiastical Commissioners adopted, some 10 years ago, a plan (which he had suggested) of selling by deferred payments to tenants. A Parliamentary return (No. 226) was moved for by Mr. Ashley in 1885, which sets it out. Under that system the Commissioners have sold in the 10 years just ended (January, 1895) about 9,500 acres for £153,000.' The three counties in which the largest acreage had thus been sold were Anglesea, with 884 acres, fetching £19,400; Cardigan, 3,400 acres, for £9,000; and Pembrokeshire, 4,600 acres, for £89,000. In all three cases the area sold was we understand, wholly agricultural. 'If the Commissioners sell property by auction they always print in the conditions of sale that they are willing to accept only 15 per cent. in cash, and allow 85 per cent. of the purchase money to remain on this terminable mortgage payable in 30 years, the interest being reckoned £3 12s. 6d. per cent.'

The scheme was said to have proved 'very largely successful,' and no difficulty had been experienced with regard to the tenants keeping up their payments; in fact, it was said there had not been a single defaulter. As to the term—30 years—over which the payments are spread, the statement of Mr. Porter was as follows:—

'I think in selling by way of mortgage that term is sufficient. The Commissioners tried to go as far as possible when they framed the scheme; it was really framed for dealing with some property in Wales, the lease of which was falling in. There was a great wish on the part of the tenants to buy. Although it was thought 15 per cent. was a very small deposit, the Commissioners were extremely anxious to try the experiment, and it has been completely justified.'

The unqualified success which the Ecclesiastical Commission's scheme has proved, even in a time of agricultural depression suggests that the Government can, without the least financial risk, adopt a system of loans, with or without redemption, to the great advantage of the existing class of heavily mortgaged freeholders in Wales.

With reference to the position in which the bulk of the mortgaged freeholders of Wales find themselves at present, the Majority make, in their Separate Report (p. 926), the following further observations and recommendations, which are approved by the Minority also:—

Recommendations made by Commissioners.

"We think, upon the whole, that the case of these occupying freeholders, which is chiefly due to the feeling of insecurity produced by the local events connected with the election of 1868 is one which may fairly be deemed worthy of the attention of the Government. Many men told us that if some immediate relief were not afforded the mortgagee would undoubtedly realize his security, with the result that a family long connected with a district and a particular holding would be obliged to turn out into the world.

"We therefore recommend that State loans be granted to existing freeholders who are also occupiers and farming their own lands, and we suggest as a basis the following considerations:—

1. Advances not to exceed £3,000 in any one sum, and the size of farms upon which such advances are made not to be more than 150 acres of enclosed lands.

2. All farms advanced upon to have been purchased since the 1st January, 1868.

3. Advances not to exceed three-fourths of the present value.

4. Value of lands, &c., to be ascertained by, say, three Commissioners, one of whom should have a knowledge of the Welsh language.

5. As to rate of interest: we suggest that the present aspect of the money market would appear to justify even as low a rate as $2\frac{3}{4}$ per cent. To this, however, must be added $\frac{1}{4}$ per cent. per annum for the payment of the necessary expenses of the Department to be so created, and the cost of fire insurance premiums, which should be effected on all buildings in the names of the three Commissioners.

6. As to the terms of redemption: we think that there should be a scale for 30 years, 40 years, 50 years, and 60 years, the borrower to have the option of taking which he feels would better suit his case. That the calculations should be based upon half-yearly payments. If interest remains unpaid for more than two months, half per cent. extra to be charged by way of fine; if for more than four months, one per cent. extra; and if for more than six months, the property may be sold by the Commissioners.

7. Power to be given any borrower to pay up all the amount due, or any part thereof, at any time, with, say, three months' notice.

8. If the mortgagor commits any breach of covenant, or should at any time cease to be a *bonâ fide* occupier, the balance then due upon the mortgage may be called in, in their discretion, by the Commissioners. In case the occupier dies, his devisee (if a member of his family), or his heir-at-law, shall be in the same position as the original mortgagor.

9. All properties to be put into names of the three Commissioners.

10. We further suggest that the scale of fees to be charged borrowers should be scheduled, so that it could be clearly ascertained beforehand what expenses would be incurred.

11. After most careful consideration and special inquiry, so far as lay within our power, we recommend that a sum not exceeding five millions of money should be devoted to this purpose.

We add a further recommendation—having special regard to cases where the smallest present payment possible would be the first consideration with a borrower who is unduly pressed with the interest of the mortgage on his holding—we would, therefore, suggest that as an alternative in such cases (but we do not think they would be numerous) a borrower should be allowed to have three-fourths value of his farm at simple interest without arranging for redemption, but with power to change the mode of borrowing at any time he may elect, so that if things improve, and he could see his way, he could then commence payments on the redemption system, with the hope that in years to come he or his family may clear their holdings from encumbrance.

The chief consideration which in our judgment justifies us in recommending the foregoing scheme are those circumstances, special to Wales alone, which we have already detailed [viz., the feeling of insecurity caused by political and other evictions, the tenants' clinging to their homes, and the land hunger of the people at large]. We think, however, that the proposed relief should be strictly kept within the limits which we have just outlined, and that the Treasury should take such precautions as would fully safeguard the State from any possible loss from the transaction" (p. 927).

5.—AGRICULTURAL LABOURERS.

No social cleavage between labourers and farmers.

Estate-owner and tenant-farmer, freeholder and squatter, have now been successively dealt with: the agricultural labourer alone remains to be spoken of. It is, however, observed at the outset that "there is no great gulf dividing the labourer from the farmer, but that the former, if thrifty and industrious, always aspires and frequently attains to the position of a tenant-farmer, while misfortune or thriftlessness, or even a mere matter of preference, occasionally compels or induces the farmer to hire himself as an agricultural labourer. There is no impassable gulf, no great social cleavage or feeling of caste between the two classes, such as there is, to a large extent, between the landowner and the cultivating occupier. The labouring class merges imperceptibly into the farming class, while the farmers' own children often find it convenient and profitable to engage themselves as farm-servants on some neighbouring holding."

The labourer's history during the last 100 years is reviewed at some length in the Report (pp. 598—631), reference being also made to the Reports of the Assistant Commissioners to the Royal Labour Commission in 1892-3 on the condition of the agricultural labourer in Wales. We have already seen (p. 65) that there has been a decrease of 40 per cent. in the numbers of the agricultural labourers of Wales between 1851 and 1891, and (p. 156) that the bulk of the labour in Wales is "indoor and household," while the reverse is the case in England.

Scarcity of labourers and especially of maids

Owing to this diminution in numbers, a scarcity of efficient labourers has arisen, and consequently boys from industrial schools in England have been introduced of recent years by the hundreds into South Wales to work on farms—and the Commissioners regard such a method of dealing with industrial lads as "fraught with the gravest consequences, unless it can be better regulated than at present and some provision be made for the social and spiritual wants of the monoglot boys who are thus imported into the agricultural districts" (p. 602).

Female wage-earners have decreased to a much greater extent than the males during the last 40 years, and the result is thus described:—

"The difficulty which a farmer experiences to obtain a farm-servant or labourer is almost trifling compared with the much greater and more general difficulty in engaging suitable maids. If, for example, a farmer is deprived of the services of a maid through illness or breach of engagement, in the middle of her term or year, it is in many districts practically impossible to replace her, and often the farmer's wife who finds herself so situated has to shift as best she may and with occasional assistance from some neighbouring labourer's wife until the hiring season comes round."

It is pointed out that the spread of education since 1870 has simply "revolutionised the position of women in Wales," and at present, the "more intelligent and ambitious, as well as the vain and indolent" are attracted to all sorts of occupations other than farming, leaving but a small residue for the farmer to select from. Dairying suffers severely in consequence.

The method of hiring in the statute or hiring fair is very fully explained, and it is pointed out that the fair is, in the hands of the labourers, an instrument equivalent to the trade union of organised labour in other industries, and in spite of all that is said against it, it has secured one unquestionable benefit for the labourers—viz., uniformity of wages.

As to the present position of the labourer the Commissioners make the following observations (p. 630) :—

General review of labourer's position.

"On the whole we must come to the conclusion that the Welsh labourer has not as yet suffered from the agricultural depression with which the farmer has been so sorely stricken. Indeed, in one sense, the depression has indirectly improved his position. He has been able to obtain better terms and a more liberal treatment from the farmer, owing to the very fact that the latter is in difficulties and cannot afford to be so independent as formerly. In very truth, the necessity of the employer is proving the opportunity of the employed, and the labourer is, therefore, asserting himself on parish councils and in other spheres in a way that would have scarcely been possible had the farmer been as prosperous as he was 20 years ago. On the other hand, it is true that a lesser number of labourers, especially adult married men, are now engaged, but hitherto they have been able to obtain employment elsewhere without any difficulty. But with continued stagnation in the tin-plate trade, and possible depression in coal-mining and other industries, migration from the rural districts might probably in the near future receive a serious check; we might again in a very few years be brought face to face with a state of things where considerable numbers of labourers are unable to find regular and continuous employment, while the farmers, owing to the depression in their own industry, continue to cut down their labour bill, and leave much of the farm-work undone.

"At the present time, however, there is very little doubt that the labourer is, on the whole, much better off than he was 100 years ago.* Beyond that point, we need not enter into comparisons now. Broadly speaking, from 1850 downwards—or shall we say from the repeal of the Corn Laws?—his condition has steadily improved, with the exception of one or two temporary checks. Down to 1870 his improvement chiefly consisted in his wages being advanced; since then the improvement has been chiefly characterised by a general amelioration of his surroundings and an enlargement of his social opportunities. Elementary education was

* A quarter of a century ago it was, however, otherwise according to the best authorities: Mr. T. E. Kebbel, for example, wrote thus of the condition of the English labourer in 1870:—"Before the American war (1775) it was better than it is at present (1870). About the beginning of the French war (1793) it was much the same. After the peace (1815) it was a great deal worse." This view is also put forward with much force and in considerable detail in the Report of the Commissioners on the Employment of Children, &c., in Agriculture in 1867-70 (*See* 1st Report, pars. 242—333).

first brought to his door, and subsequently it has been freed from all charges. His younger children do not now labour in the fields, or about the farm premises, as was formerly the case, but they can devote themselves entirely to their school-work, and their play. He himself is also able to do without the earnings of his wife as a regular hired labourer, and she can, therefore, stay at home to attend to her domestic duties, or in the case of a few acres being attached to the cottage, she is able to devote herself to make the best out of its produce. The labourer himself too has more time at home with his wife and children, his hours of work have been shortened at both ends, while the introduction of machinery, the increasing use of artificial manure and feeding stuffs, and the abandonment of arable cultivation in favour of pastoral farming have also relieved him of much of the drudgery to which he was formerly accustomed. His wages, as we have seen, have gone up, while the price of provisions have greatly fallen, and these in many districts he is now able to have delivered to him at his cottage door, owing to the abolition of the turnpike system. His standard of comfort has, therefore, risen, and he and his family are better clothed and fed, though by his receiving his food at the farmer's in lieu of part payment of his wages (as is most usually the case) his wife is not in so good a position to provide food for her family, out of the remainder of his wages, as she would be in, if she received all his wages in cash and he were to take his food at home with her and the children. On the whole he is also better housed, though the improvement in this respect has not kept pace with the progress made in other directions, and the stricter enforcement of sanitary rules have, by the condemnation of his pig-sty, in many cases deprived him of his pig, and even where he has a few acres of land the highway authorities jealously prevent his cow from grazing on the roadside. Until recently, indeed, he seemed to be becoming more and more of a landless man, but lately the door has been opened for him to obtain his plot of land as an allotment, or even enough for a small holding, though as yet not much progress has been made in this direction. Above all, perhaps, he feels that he has now a share in the government of the country by virtue of the parliamentary franchise conferred on him, and by the extension, still later, of local government. These new advantages are calculated to bring him knowledge and self-respect, and a quickened interest in rural life. They should, in short, make him in every respect a better citizen without detracting from his efficiency as a labourer."

The Majority in their separate Report (p. 928) also add the following further observations and recommendations to which the Minority also give their approval:— Recommendations.

"At the present moment there is many a labourer in Wales, who from an economic point of view, is far better off than the great majority of the tenant farmers. At the same time we are bound to say that we are wholly dissatisfied with the sanitary condition of many of the labourers' cottages, whether aggregated together in a village, in part of a market town, or situate alone on or adjoining to a farm holding. With regard to affording better house accommodation for the labourers, which appears to us to be the most pressing point, so far as this class of persons is concerned, we are upon the whole inclined to advise the extending of the provisions of the Houses of the Working Classes Act, 1890, to rural districts in an amended and less cumbrous form. We are of opinion that if any legislation at all is to take place in regard to the matter it should be not in the direction of encouraging labourers to build houses for themselves, as mere speculations at their own risk and expense, but in the direction of conferring upon local authorities the power to acquire for building purposes and to erect suitable dwelling-houses which they may let on reasonable terms to persons wishing to reside within their area. We have seen that no inconsiderable number of the existing holdings, especially in the more remote and less developed parts of Wales, have been created by squatters impelled by the paucity of accommodation to erect houses without any legal security. We think that all this should be avoided in the future, and that it should be the duty of local authorities, where real need exists, owing to the sudden development of a new industry or other causes, to take steps to prevent the sporadic and unsatisfactory method of obtaining increased house accommodation by illegally taking possession of any common or waste land convenient for the purposes of the persons concerned, The rural districts in which at present there seems a real deficiency in house accommodation created by industrial circumstances are those parts of Merionethshire and Carnarvonshire in which the slate industry is carried on, and some parts of South Wales, in which coal mining is still being developed. In the former counties the Crown has extensive wastes, and it is especially in regard to them we think that legislation giving local authorities and the Woods and Forests Department greater powers than they at present possess, in regard to the creation of small holdings and the erection of suitable dwelling-houses, would be distinctly beneficial.

"We have been struck by the fact that in many parts of Wales the sanitary laws are only very imperfectly enforced as to the houses of cottagers and labourers, and sometimes as to those of farmers. With a view to their being more efficiently administered we recommend:—

(1.) That no person should be appointed as sanitary inspector unless he has passed an examination with reference to the laws of hygiene, or is able to give such other satisfactory proof as the Local Government Board may require as to his practical knowlege of the work required of him.

(2.) That the medical officer of health should be placed in a position of greater independence than he is at present. He should not be removable from his office without the consent of the Local Government Board.

(3.) We also desire to endorse a recommendation that has been previously made by the Royal Commission on Labour to the effect that the 'owners of all houses let at a rental of less than £10 a year should be obliged to make an annual return to the sanitary authority, stating the number of persons in each cottage, their sex, and age; whether the house is provided with a proper water supply and a closet, and whether the premises are in good repair.' We also concur in thinking that the obligation to make this return would have the two-fold good effect of periodically calling the attention of the sanitary authorities, and of owners themselves, to the condition of cottages."

6.—*THE FARMER AND LABOURER "AT HOME."*

Welsh rural life described.

There is probably no portion of the whole Report which the general reader will find more interesting than the chapter (pp. 632-655) in which the general conditions, characteristics, and habits of the farming population are described.

Unfortunately, we cannot hope to reproduce here more than the mere outlines of the picture of Welsh rural life, which the Commissioners have painted in such vivid colours, and with so sympathetic a touch.

With reference to most of the subjects dealt with here, there is no appreciable difference between the typical labourer and the typical farmer—be he tenant or freeholder—so that the same remarks, save where otherwise stated, refer to the farming population as a whole, excepting only estate owners, or very large farmers.

Food.

And first as to diet, it is observed that "porridge or stirabout, called in Welsh *uwd*, has probably, in some form or other, been an important part of the daily fare of the

Welsh peasantry from time immemorial, but it is not the only food of the sort made from oatmeal, for flummery (called in Welsh *llymry)* is also made from oatmeal and is eaten a good deal in parts of Wales instead of *uwd*—but it is not such good food for a man who works as porridge."

In the western counties of North Wales, bruised oatmeal cake and buttermilk is very largely used, while buttermilk and potatoes is also much in vogue in Anglesey; in the eastern counties there is less both of porridge and buttermilk now eaten, and Montgomeryshire folk are supposed to fare much better—according to modern fashion—than their brethren in most other counties.

Almost everywhere, however, "bacon is the backbone of dinner," while as to Cardiganshire it is observed that "the chief meal is *cawl* or broth, with bacon or dried beef and potatoes."

In Pembrokeshire, the Welshman of the North was said to live "much harder,"—"doing with commoner things"—than the Southerners, as to whom a suggestion of excessive eating is indirectly made.

"The ordinary drink of the small farmer and those dependent on him, is milk, tea, or cold water; but in some instances water with a sprinkling of oatmeal has been tried" —with considerable success.

Generally speaking there has been "a remarkable improvement" in the food of the farmer of recent years, though the Commissioners deprecate "the increasing consumption of tea," admitting also that "the change to the modern diet has not been perhaps in other respects wholly beneficial."

Necessity for improvement in cooking.

However, "the art of making an excellent soup is not yet extinct in certain parts of the Principality, such as in Cardiganshire"—the reference being to its *cawl.*

"This and other cheap dishes, in the making of which Welsh women have some experience, should serve as the starting point in the cookery schools to be established in the Principality, at any rate if they are to produce beneficial results in the near future."

But it is very frankly admitted that the standard of cooking in Welsh homes is generally at a pretty low level at present.

Clothing.

As to clothing also, a great improvement is in some respects noticed. As late as 1820, the women and children in many districts went about without shoes or stockings. Respectable clothing with the ordinary Welshman is of much higher importance than good food, while the reverse is probably the case with the typical Englishman in the same station in life.

The former's tendency would be rather "to stint himself in food in order to spend more on clothes in which to appear on Sunday, and, however desirous of attending the Sunday School or the other meetings at his chapel, he would stay at home rather than attend in his week-day clothes. This tendency is still more perceptible among the mining portion of the population, and especially the quarrymen of North Wales. It is needless to say that it is sometimes carried to excess, leading to pecuniary difficulties; but, on the other hand, the way in which the women, for instance, in the quarry districts can dress, gives evidence to a natural taste, to a sense of colour and proportion which may be looked for in vain sometimes in ladies of a higher position in life in England. The ideal of the well-wisher of the Welsh people, in matters of this kind, should be to encourage economy without discouraging what artistic instincts they may have inherited as a part of their natural endowment."

Difference between Welsh and English in their views as to clothes.

There is no article of dress worn at the present day which is distinctly Welsh as to its origin—even the so-called Welsh hat, of a generation or two ago, being an introduction from England from about the Stuart period.

Housing of the people—on the whole unsatisfactory

Dealing with the housing of the people from the point of of view of its influence on habits and mode of life the Commissioners make this statement (p. 639):

"A great many complaints were made to us from tenants as to their houses being out of repair; and in some cases they proved almost incredible neglect on the part of all concerned, while in some instances the houses were so old and so poor that the landowner did not think it worth the while to put them in repair. Here and there he appeared to be improving the houses on his estate as fast as the outlay of capital would admit, which meant that some of the tenants who had to wait for their turn experienced hardship for years. Now and then, also, the rebuilding of an old house involved the tenant in great discomfort for a shorter time. In some instances we were told of the walls having to be propped up to prevent their falling and killing the inmates, in others we were informed of a family having for a time to live in a barn, or in a stable. In one case we heard of frogs leaping about the bedroom, and in several mention was made of snow falling on the beds. But however great the inconvenience and hardship which such cases as these involved, it is right to distinguish those which may be regarded as more or less temporary and transitional from those in which the bad or inadequate accommodation has been normal and more or less permanent."

Especially as to separate bedroom accomodation.

One of the most general complaints was that as to insufficient accommodation, especially for men and women to sleep; this is particularly unsatisfactory so far as men-servants are concerned. "It has been repeatedly pointed out to us," the Commissioners observe, "in the course of the evidence, how inadequate accommodation in farmhouses and cottages must make against chastity and in favour of immorality" (p. 643).

An important factor in producing immorality.

But it is, however, observed that the charges against Wales on this score "are doubtless based to a certain extent on the survival, in some of the agricultural districts, of the old custom of night courtship, which is not peculiar to Wales, but occurs likewise among various European peoples as a survival from the life of the Middle Ages. It is frequently

referred to in the poems of the 14th century Welsh poet D. ab Gwilym, and it may be briefly described thus: the lover sallies forth at night and approaches the house where his fair one lives; he attracts her attention by gently tapping at her window. In some Welsh districts this is called *cnocio* or *streicio*, and in parts of Germany it is termed *fenstern*. A similar practice is implied in several of the songs of Robert Burns, such as that to Mary Morison:— Night courtship and illegitimacy in Wales.

> "O Mary, at thy window be,
> It is the wish'd, the trysted hour!
> Those smiles and glances let me see,
> That make the miser's treasure poor!"

At the window, as in the case of Romeo and Juliet, a conversation ensues, which sometimes ends in the admission of the lover into the house; and in that case he and the young woman sit up together the greater part of the night. The charge of assuming a different position, for which the vocabulary of the English language provides the term *bundling*, is usually denied and resented as a calumny."*

So far as statistics show it would appear that illegitimacy is decreasing in Wales, except in Anglesey, but the data given by the Commissioners do not appear to be sufficient to state definitely what the tendency is in respect.†

Taking a somewhat wider view of the question, those members of the Commission "who have lived in the Principality can testify that ideas of chastity have made great Great improvement, however, noticeable as to morality,

* "By way of further references to night courtship we may mention that in old Norse literature the work which makes the most frequent allusion to the practice is probably *Kormaks Saga* (edited by Möbius Halle, 1886, also published with a Latin translation, Copenhagen, 1832.) For the German terms for it and references to it in German literature *see* Grimm's Dictionary under the words *fenstern* and *kilt* which latter belongs to Switzerland. The Dutch colonists seem to have carried the custom to South Africa, where one finds it, for instance, in Olive Schreiner's *Story of an African Farm: see* Part II. Chapter v. concerning "Tant' Sannie's *Upsitting*; also "Thoughts on South Africa," by the same writer in the *Fortnightly Review*, August, 1896. As to the custom in England *see* the volume entitled *Barthomley* by the Rev. Edward Hinchcliffe (London, 1856), p. 139, where he touches on the "sitting up," and for which he regarded Cheshire and parts of the counties bordering on it as enjoying an unenviable notoriety. In the valley of the Thames, in the neighbourhood for instance of Henley, it appears to be known as "Courting on the Bed." An early instance of "bundling" is mentioned by Chrestien de Troyes in his poem the *Conte du Graal*: the lines in point are quoted in Nutt's *Studies in the Legend of the Holy Grail*, p. 135. *See also* Rhys's *Arthurian Legend*, p. 175, and Thomas Wright's *Womankind in Western Europe from the earliest Times to the 17th Century*, for instance pp. 166-8."

† The statistics of this subject and many other points connected therewith are discussed in a book entitled *Illegitimacy and the Influence of Seasons upon Conduct, two Studies in Demography*, by Albert Leffingwell, M.D. (London, 1892).

progress within our memory. Thus it was far more common in the forties and the fifties for farmers' daughters to be married in a hurry than it is now, and we are inclined to ascribe the improvement more to the spread of education than to the influence of the pulpit. In such matters, abstract notions of virtue and vice play a far less rôle than the ever present question, "Is it respectable?" The farmers' daughters who were sent from home to school, learned that the old fashion to which we have alluded was disgraceful, and that it was regarded so by educated people. So they set their faces against it when they returned home. In time the conduct of the better-behaved of the farmers' daughters would tend steadily to establish a better fashion among the maid servants. We may here remark that it would not only give the latter a much needed interval for recreation, but also conduce to a higher state of morality if they could be allotted, each in her turn, an afternoon a week for visiting their friends, as is usually enjoyed by women in domestic service in the towns. At any rate, this might be done, probably without any serious inconvenience, during seasons of the year when there is no great pressure of work at the farmer's home. In any case we feel confident that the improvement proceeding in the housing of the agricultural population, and the spread of education cannot fail to accelerate the improvement in morals to which we allude, and to extend it in the near future to the most remote country districts.

And still more so as to temperance.

"The same influences make in manifold ways for temperance for it is now regarded among the agricultural population of Wales a disgrace to be, for instance, found drunk. Thanks to the pulpit and the advocates of total abstinence, it would be difficult, as regards temperance and sobriety, to exaggerate the change which has taken place for the better in Wales within the last 50 years."

Importance of religious observances in Welsh life.

The survey of the life of the Welsh farmer would not be complete without some account of "the great place which religion and religious observances occupy in it," and the Commissioners therefore give an interesting account of the Welshman's devotion to the chapel services, the Sunday School and the *Seiet*, and the influence which they have had on his character during the last 100 years. In fact all his various chapel engagements leave him little or no time for physical recreation, while on the other hand the religous revival has also stamped out, at least among the more orthodox, in rural districts, all propensity for athletic exercises and dancing which were once popular enough.

Nor are there many means of mental improvement, other than the Eisteddfod (*see* p. 34) within the reach of the agricultural population. Great lack of opportunities for recreation and mental improvement.

Thus the evidence as to the majority of country districts was wholly negative on the question of reading rooms, or where efforts had been made they had generally turned out miserable failures, generally owing to some weak point in the system of managing them; but the Commissioners correct themselves—"We have used the wrong word—there is no system, but there ought to be a system. And one essential part of such system must be the exclusion of all possible suspicion of proselytising and patronising as we have already hinted; or in other words suggested by this evidence, the unequivocal ownership and control of the reading-room or library by the people for the people. The other weak point indicated by the evidence in the case of some of the well-meant efforts, already mentioned, to encourage reading is the lack displayed of discretion to select or of means to buy suitable books. The surplusage of other libraries, antiquated and unserviceable volumes, cannot be expected to form good intellectual pabulum for a farmer or even a farmer's man, and a reading room that relies on the Lost Ten Tribes must speedily find itself more lost than they." Especially village reading rooms,

Since the machinery of the Parish Council has come into existence, libraries have, it is believed, been established in many places, and the following account of that instituted at Llanuwchllyn was furnished to the Commission by Mr. O. M. Edwards, Fellow and Tutor of Lincoln College, Oxford (p. 653):— Except where established by Parish Councils.

We adopted the Public Libraries Act at Llanuwchllyn almost as soon as our Parish Council got into working order. The parish is entirely agricultural, and its scattered village is a very small one. All took an interest in the movement for a library: 114 voted for it, and only 19 against.

We started with a little over 400 books, and the number is continually increasing, the farmers and labourers themselves presenting many.

Within the first two months after opening it, 354 books were taken out, the demand upon the library is increasing, and in spite of the Parish Council's willingness to spend money and of continual gifts, we find ourselves unable to cope with the demand. Books on agriculture, Daniel Owen's novels, books on history, and books on technical subjects are in greatest demand,—all in Welsh of course.

The success of the movement we attribute to the fact that the people feel the library belongs to them, and is under their sole management."

What the tastes of the ordinary Welshman are in the field of literature may be fairly-well inferred from the usual contents of the chief newspapers and magazines which he reads. The Welshman's taste in literary matters.

The following remarks as to the general characteristics of his "reading" are made (p. 655):—

"The tone of all is expected to be more or less religious; and even if they happen to be novels, they must devote ample space to the religious aspects of the characters which they delineate. Books of biography and travels are always acceptable; and so are those that deal with Welsh history and antiquities. The world of fancy has its unfailing charm for the Cymro, and he is always accessible to the muse of poetry."

Description of Welsh Agriculture.

The Commissioners complete their survey of farming life in the Principality by giving a detailed "description of the present state of Agriculture in Wales" (pp. 672—824), which for its minuteness and comprehensiveness can be compared only with such works as Sinclair's Statistical Survey of Scotland, or the surveys which have been made of various provinces in India.

To give some idea of the nature of the topics dealt with, we may mention that various types of farmhouses and outbuildings are described exhaustively and the history of their development traced; there are chapters dealing with agricultural implements, manures and manuring, arable farming, the management of grass lands, stock farming (the horse, the cow, the sheep and the pig being dealt with severally and at length); dairy farming (including butter and cheese making), poultry, bees, fruit, flowers and vegetable gardening, agricultural education, means of distribution, and proposals for co-operation and combination. Some of these subjects are, of course, dealt with very briefly, others at much length, but it may safely be said that the value of the description here given will increase with time; it may not perhaps be much appreciated at present, as the facts recorded may appear to be common-place and already known to everyone who is concerned in the work of farming.

On this account—as they are facts of common knowledge—they are not usually placed on record, hence the difficulty of re-constructing the every-day life of people in the past.

But apart from the description of farming which this part of the Report contains, there are also many useful suggestions thrown out from time to time, and the more important of these we shall reproduce in second section of our next chapter under the title of "Hints for Welsh Agriculturists."

CHAPTER XI.

THE CONCLUSIONS AND RECOMMENDATIONS OF THE MAJORITY.

The two main subjects dealt with in the Majority Report* are—

1. The agricultural depression: its causes, and its remedies.

2. The unsatisfactory nature of the prevailing tenure from year to year.

Among topics which occupy a secondary position are—the condition of occupying freeholders, of cottagers, and labourers; the game laws; the landlord's right to distrain; the administration of Crown lands, and the regulation of commons—questions as to which we have already quoted the conclusions of the Commissioners, so that it will be unnecessary for us to refer to them again except in summarising the recommendations at the end of this work.

In approaching the two main questions of the depression of land tenure it is necessary, the Commissioners observe, that certain broad economic facts, which have for the most part been already touched upon, should be prominently stated and continually borne in mind.

These facts are—the continuous increase of population during the present century, and its relation to the food-

* "The conclusions and recommendatious" of the Commissioners are stated in Book II. of their Report, which extends to nearly 130 pages (827-954), the earlier part of which (down to p. 932) is signed by the Majority only and may therefore, for convenience sake, be referred to as the Majority Report. It is, however, also adopted in general terms (though not signed) by the minority except those parts "which lead up to the creation of a judicial tenancy and the constitution of a land court." The Separate Report of the Minority follows the Majority Report and occupies some 20 pages (933-954). This is followed by a "summary of the recommendations," which brings out very clearly the small extent of the difference between the two groups of the Commissioners.

supply; the industrial and commercial development which has resulted in making the inhabitants of the British Isles "the greatest producers, and the greatest distributors of commodities among the nations;" the consequent tendency to municipalization, or the general conversion of many rural into urban districts, as a result chiefly of mining and manufacturing enterprise; the development of facilities for distribution of produce and for personal locomotion, mainly by the multiplication of railways; the steady and continuous increase in the value of landed property generally, including the rents of land used for building or residential—as well as agricultural—purposes; the great decline which has occurred in the rate of interest in Wales as elsewhere during the last 80 years; the inclosure within the last 100 years of over a million acres of waste or unenclosed land in Wales; the decline during the last 20 years in the extent of arable land, and during the last 50 years in the number of persons who are directly concerned in farming; the increase that has taken place in the wages of agricultural labourers during the current century and the great fall since 1879 in the prices of nearly all, if not all, kinds of agricultural produce in Wales as in England.

1.—AGRICULTURAL DEPRESSION, ITS CAUSES AND EFFECTS.

What is meant by Agricultural Depression?

"Like other general terms, 'agricultural depression is ambiguous," and the witnesses who made use of the term did not always mean the same thing. What the expression really means, however, is "something not special to any one class connected with agriculture, nor to any one kind of farming, nor to any one district, but is a *general* phenomenon," that is, one applying to the whole industry, and to a greater or less extent affecting all the classes investing capital in farming, so that it is not to be confounded with the relatively better or worse position of any one of three classes as compared with another. In other words "if we regard the farms of Wales as a whole, and if we ask the question, is the business carried on a reasonably profitable one, the answer must be in the negative under present conditions. To keep the business going, landlords have to give increasing abatements or reductions of rent; the tenants find it almost, and in some cases quite, impossible to pay their way, even on the basis of the abated or reduced rents" (p. 835).

Having analysed the notion—"agricultural depression" a summary is then given of the statements of a large number of witnesses "in order to show how the matter presents itself to the minds of those concerned practically with the farming industry" (pp. 835-844).

The majority of the witnesses agreed in stating that in Wales the depression commenced in 1879, but then according to one witness it was not depression in the strict sense, but a bad season, a shockingly bad year, a record year.

When did the Depression commence in Wales?

But the depression proper commenced soon after—about 1883 according to some, or in 1885 according to others, and it lasted till the middle of 1889, from that date to the end of 1890 things were much better—but from 1891 on matters have continued to grow worse. We shall reproduce only two or three specimens of the evidence under this head.

"Mr. E. Knox, agent for the Margam estate in Glamorganshire, said: 'I think that the depression has been going on and off ever since 1879; it is undoubtedly worse at the present time owing to the prices of everything being depressed, except the price of hay and straw, and one may say the price of butter; but with the exception of those, everything is depressed in price.'

Mr. George Williams, of Hayston, Pembroke, a tenant farmer under the Earl of Cawdor, referring to the statement of the agent to the estate that the depression began in 1885, remarked, 'I say that the landlords began in the year 1885 to believe that there was a little depression in agriculture. The real depression in agriculture began in 1879—and in 1879, in that one year alone, I think I could venture to say that I gave my whole labour, and the labour of my family, for nothing, and that we never made a shilling of rent during the year 1879, and we never would recover that. I have not seen a year equal to 1879 as to loss until the year 1883, so that the real depression in agriculture began in 1879 . . . . the real secret of it is, they have never been brought to believe the depression we are under—that is it.' And subsequently he again said it was his opinion that the landlords in general do not recognise the position of the farmers in the present depression.

From the Vale of Clwyd in North Wales the following opinions were expressed by a landlord, and a tenant respectively.

Mr. W. D. W. Griffith, owner of the Garn estate, said:—'In this part of Wales, agricultural depression did not begin until after 1880, and was not much felt until 1885. I never had a complaint from a tenant as to the times until 1885.'

Major Birch, agent for the Llannerch and Gwysaney estates, situate in the counties of Denbigh and Flint, and also agent for estates in Yorkshire, Cheshire, and other English counties, remarked:

'We did not begin to feel the depression in Wales till they were seriously affected in England. I am speaking now of Yorkshire principally. I do not think we have felt the depression at all in Cheshire.'

Mr. Owen Williams, of Glan Clwyd, a farmer and valuer of large experience, on the other hand stated that 'Trade depression began in 1878, and it has never revived, but for a very short period once or twice, going back again, or worse, one time after another.'"

The cause of Depression—What is it?

As to the cause of the depression a great many suggestions were made by witnesses, of which the following is a fairly exhaustive list:—Free trade; adulteration of produce; bad seasons; monometallism; want of capital; disease; defective cultivation; fall in prices; foreign competition; sale of foreign meat as British; failure of hay crops; increased cost of labour; railway rates; strikes; high rents, and unsatisfactory tenure.

With reference to this the Commissioners observe (p. 845):—"It is manifest that some of these are either inoperative or so slightly operative as not to deserve consideration, while others either display confusion of thought or are mere reiterations of what is meant by the phenomenon itself.

Foreign competition—the permanent and paramount cause.

"All the witnesses agreed that foreign competition is a principal cause of agricultural depression. No one denied that it is a real cause. Some said, indeed, lowness of prices was the cause, but this is either only a way of expressing the existence of depression, or only another way of alleging the fact that competition is its cause. . . . But when we ask to what this fall of prices is due, we have no doubt that it is to competition, to the extraordinary increase of supply in the British markets. It cannot be too often pointed out that the price of commodities depends not on the cost of production in the United Kingdom, but on the operation of the law of supply and demand in the markets. It is not the cost of production in the United Kingdom, but the cost of production of the produce of the least fertile and least advantageously situated tracts of territory in the whole civilised world which send their produce into the British markets that tends to determine the normal value, and therefore the supply of such produce in the United Kingdom.

We think that the witnesses who, like Mr. J. E. Vincent,* pointed out that the low prices caused by competition were the permanent and, we may also add, the paramount factor in causing depression, were right."

Why and how is it that this competition has reached its present dimensions—in fact, what are the conditions which have made possible a competition so disastrous in its effects

*The following was Mr. Vincent's statement on the point (Qu. 76, 550—1):—"There is no denying that during the past 10 years or so the price of stock has, with occasional rises, been low and at times ruinous. The causes I take to be partly permanent and increasing, to wit, the importation of foreign cattle, and partly temporary. For example, the mass of our store cattle used to go to England, and we relied on England for the price of them, and the distress felt in the winter of 1893-4 was largely due to the failure of the English hay crop."

to the agricultural interests? Briefly stated, they are: the development of new countries, the operation of improvements in the art of agriculture in those new countries, and also in older countries, the continued invention and perfecting of labour-saving machinery, the practical annihilation of distance by steam-propelled vessels, railways, telegraphs, and telephones, the discovery of methods for preventing the destruction of food, the fiscal and commercial policy of Great Britain, the prevalence of peace.

If foreign competition is therefore, as the Commissioners say, "the primary, dominating, and permanent cause of the existing agricultural depression," what about the other suggested causes? Are they not also causes, though operating perhaps in a less constant and powerful manner? Do not high railway rates, the cost of labour, the burdens on land, &c., contribute to the depression?

The Appreciation of Gold *not* a cause of Depression?

The reply of the Commissioners appears to be that most of these suggested causes do, in fact, aggravate the difficulties of the farmer, and add to some extent to his losses, but, nevertheless, are not to be regarded as primary or efficient causes of the depression. Not even this much is, however, said of appreciation of gold, or the evils that are alleged to result from a mono-metallic system of currency, though this was put forward definitely as the principal cause by at least three witnesses (Col. Cornwallis West, Major Price Lewis, of Tyglyn Aeron, Cardiganshire, and Mr. D. E. Stephens, solicitor, of Carmarthen), while it was also tentatively suggested as a contributory cause by Mr. W. O. Brigstocke, of Parcygors, and Mr. Dudley Drummond. The question is argued at some length in the Report (845-7), but the Commissioners declare, with no uncertain voice, that "no change in currency can alter the circumstances that are the real factors in the competition."

But the Depression is aggravated by Bad Farming,

Bad farming or inferior and unskilful methods were also mentioned as a cause of the depression, to which, it is observed, it undoubledly does contribute "not because it seriously tends to lower prices, but because it places the Welsh farmer at a disadvantage in the competition of the market in regard to Welsh produce of equal quality, and because much Welsh produce is in some respects inferior in quality, in the sense that it is not so acceptable to the consumer, as a foreign produce of the same kind."

The circumstances under which farming may be described as bad or unskilful in the economic sense are those that:

(i) Diminish the quantity of the produce from a holding;

(ii) Lower the quality of the produce, or

(iii) Diminish profit by adding to the cost of production.

What the Commissioners regard as the defects of the system of farming prevalent in various parts of Wales at present will be enumerated later on when we come to consider their suggestions for remedying them—it is enough to say here that in their opinion "none of the above-mentioned forms of bad farming, in the existing conditions in this country, affect the actual prices of commodities in the markets in any sensible degree."

Increased cost of labour,

Cost of labour was also mentioned by many witnesses as being a cause of agricultural depression, but the Commissioners will not admit it to be so—and they state "the rise in wages has had only a secondary, partial and small effect" in bringing about the present state of things, while all that can be said of its effects is that "it adds, to some extent, to the losses of Welsh producers, or where they do not sustain actual loss, it *pro tanto* lessens profits."

With the individual farmer, the cost of labour may appear an important factor, but agricultural depression, as construed in the Report, is "a *general* phenomenon:" "particular considerations must therefore be dismissed."

"If we suppose that the wages of agricultural labourers were reduced to one-third of their present rate (a reduction to a point to which the labourers would not submit, and at which the out-door labourers could not subsist without corresponding reductions in the house-rent and rates), and if we suppose rents of, and rates and taxes on, farm-holdings to remain constant or not to fall, the reduction would only affect cost of production to such a small degree as not to appreciably affect the market prices of the principal kinds of produce on which Welsh farmers now rely" (p. 851).

Railway Rates —but only when there is differentiation,

The opinion expressed with reference to the effect of of high railway rates is very similar, and will doubtless come as a shock to many agriculturalists who have hitherto saddled much of the blame for the present depression on what they describe as the prohibitive tariffs of the railway companies. Briefly stated the Commissioners' view is that the question of railway rates is a consumer's and not a producer's question. As a consumer (*e.g.* of feeding stuffs for stock, and of manures), the farmer would benefit by the lowering, and lose by the raising of railway rates. As a producer, a general reduction of railway rates would affect him by causing the prices of his produce to fall—as it would have to do in the face of competition—with the result that it would be the purchaser or consumer at the other end that would gain.

So far as railway carriage is a factor in production, it is equal:—"The mere degree of the rates charged by railway companies does not of itself prejudicially affect the British producers in the markets. But if there is any *differentiation* in favour of the importer, directly or indirectly, by the granting of through rates, or of the making of any rules or regulations which facilitate the distribution of foreign produce more easily or more cheaply than that of home produce, such inequality obviously tends, to some extent, to prejudice British agriculture" (pp. 852-4).

And local rates —but not by direct Imperial taxation.

"Nor does the increase of direct Imperial taxation in this century appear to us to be a cause of agricultural depression from the point of view that we have adopted. The income tax is paid, or is assumed to be paid, out of profits; its perception by the State does no doubt take away a percentage of the profits of the persons engaged in agriculture; but this does not affect the total amount of profit made by such persons under the protection of the State—it does not affect the national agricultural balance sheet. Nor do we see how the land tax or the tithe rentcharge can be said to be in any true sense causes of agricultural depression. There has been no such substantial variation in the amount, or in the incidence of these burdens, between the time of the greatest agricultural prosperity and the present time as to suggest that they can have had any perceptible effect on the industry. They appear to us to fall upon the landowner, and to be permanent incidents of land owning, which may be put in the same category as the small chief rents still paid by many estate owners.

"With regard to local rates the matter is somewhat different, because they are variable in amount from year to year; and, if we treat the interests of the estate owner and the tenant as collective, there can be no doubt that any large increase in rates would have a tendency to aggravate the depression, inasmuch as it would place Welsh agriculturists in a worse position in attempting to undersell their foreign competitors."

But the Commissioners doubt whether, since the period of prosperity, local rates, affecting agricultural land, have increased "taking the rural unions of Wales collectively" (*see* also p. 194 above)—and even if there has been an increase, they further express the opinion that "it has not materially added to the depression as a *general* phenomenon, since it does not account for the fall in prices."

Other suggested causes.

Among the other suggested causes which the Commissioners consider, are—free trade, the adulteration of produce, and the sale of foreign meat as British, but it will be more convenient for us to summarise their views as to these subjects when the question of remedies comes up for consideration.

Effects of Depression

So far, the Commissioners have dealt with the causes of the agricultural depression and they lay it down that the one great cause of it is the lowness of prices consequent on foreign competition. But what are its effects—

(*a*) Upon the national interest or that of the whole community, and

on the nation at large

(*b*) On the classes specially concerned with agriculture.

As to the first question, it is observed that the cheapness and abundance of the necessaries of life (most of which are directly or indirectly agricultural products) has had the effect of raising the general standard of comfort of all classes of the population. While agriculture has been and is declining, the national wealth goes on increasing. "The depression has now continued with continually increasing acuteness for nearly 20 years, yet so far from the nation, as a whole (*i.e.*, considered as an aggregate of producers of all kinds of commodities), having suffered (in the sense of economic retrogression) it never was more prosperous than at the present time."

on those concerned in Agriculture,

As to its effects on the classes specially concerned in agriculture, the Commissioners express the opinion that in Wales it is the tenant farming class that have hitherto borne the brunt of depression. "In the majority of cases

tenants,

the tenant has, during recent years, found it increasingly difficult to pay his rent, even when a considerable abatement has been made. In many instances this has only been done out of the scanty savings of a labourer's life, or by borrowing on interest, or by calling for the assistance of sons and daughters working in the manufacturing districts, or in towns; and in all cases by great self-denial and abstinence on the part of the tenant, and with the aid of the unpaid work of the farmer's wife and of children who ought to have been at school, or if not at school, to have been engaged in healthy recreation. Many tenant farmers have failed completely, had their goods distrained upon, and had to leave their holdings; and there is grave reason for believing that unless circumstances in the market alter, or there is a general and extensive reduction in rents, a very large number will shortly be face to face with the prospect of bankruptcy. In

many cases we have reason to believe the tenants are even now practically insolvent, and really are only holding on by the forbearance of their landlords or assistance from their friends. We are very anxious to avoid exaggeration, but we believe that, dealing with Wales generally, the picture we draw is substantially true; and we may point out that its accuracy cannot be impugned by bringing forward the special cases of individuals who, in favourable districts and under exceptional circumstances, are still making some money out of farming" (p. 860).

Next to the tenant farmers, the landowners of the country have suffered most, though the fall in rent (including temporary abatements) has not yet kept pace with the fall in prices.

landowners. "The diminution of income has affected chiefly those owners whose land is almost entirely agricultural. In some cases we have reason to believe that even the comparatively slight decline in the income of the estate has led to considerable embarrassment. The estate owners of Wales have naturally lived, partly from inclination and partly from the necessities of their position, in a way that has (when the claims of their relatives and dependants have been satisfied, and the expenditure required for the maintenance of the estate and the payment for interest on incumbrances have been made) left little or no margin.

"Many a man with a considerable rent-roll finds it increasingly difficult to pay his way, and in many cases any advantage resulting from the general fall in the prices of the necessaries of life has been more than counterbalanced by more luxurious living, and by the continal and restless travelling and indulgence in expensive amusements which are characteristic of modern times. In such a condition of things the estate owners are no doubt finding the lowering of rents a cause of serious inconvenience and even real trouble. But though this is the case, there is, so far as Wales is concerned, no sign as yet that the landowning class (with the exception in some cases of those members of it who are entirely dependent upon agricultural rents) is in a position of embarrassment."

and labourers. Agricultural labourers, on the other hand, have not, as yet, been prejudicially affected in any sensible degree, if at all, by the depression. There has been no fall in their wages, and owing to the demand for men in mining and manufacturing districts no men have been thrown out of employment.

2.—REMEDIES FOR THE DEPRESSION, OR, HINTS FOR WELSH AGRICULTURISTS.

Permanent character of the present depression.

The account which is thus given of the depression is of the gloomiest character—not only as to the effects of that depression, which are undoubtedly serious, but even more so as to its cause. Railway rates, local taxation, and the cost of labour are but dust in the balance as compared with foreign competition which, day by day, pours into our country an unceasing volume of agricultural products from abroad, at prices against which the British producer finds it almost hopeless to compete.

The picture thus drawn is gloomy—nor does there appear to be much, if any, light in its perspective. People have hitherto been accustomed to think that however bad a depression may be, the bottom is touched some time or other, and times are then bound to improve. Political economists have taught that these things run in cycles—that according to the general and almost inevitable operation of economic laws, prosperity and depression succeed each other in alternate periods.

Many who know nothing of political economy as such have cherished this kind of fatalistic doctrine, and have derived solace and support from it. The depression in agriculture must after all come to an end some time, they think ; it has now lasted pretty long, so presumably times must soon improve. " The tide in the affairs of men " which is noticed in other industries must ere long begin to flow again in British agriculture. Reluctantly, however, but emphatically, the Commissioners say—no. The present agricultural depression is not temporary—it has come to stay, it is permanent.

" Unless great wars happen in which the British empire is hard pressed, and even threatened with disruption, or unless civil disturbances arise within its limits, and especially the limits of the British islands, or unless sudden and unforeseen causes produce economic revolutions throughout the world, we see no reason to suppose that the processes and movements which have been going on during the nineteenth century should be violently or suddenly altered.

" If so, then we must face this truth, that agricultural depression in Great Britain and Ireland (especially the former island under existing conditions of tenure) is not a mere passing wave similar to that which from time to time disturbs the even tenour of the markets in regard to manufacturing and other industries, but a permanent

alteration in the relative position of the diverse industries of of the country— in short, a permanent fact " (p. 861).

Personified, the United Kingdom is at present " the world's greatest producer, the world's greatest store-keeper, and the world's greatest carrier." The population of the kingdom —in other words, the number of those dependent on these industries— is so great that it is mainly or very largely dependent upon foreign and colonial supplies for its food. "It is tolerably clear that if the area of agricultural production and the average yield of the different kinds of farming remained constant or even were considerably added to, the population of the country could not be fed by the produce of the British islands. It is certain it could not be sustained without a considerable lowering of the average standard of comfort.

" The economic position of these islands is, therefore, one of a very remarkable kind. We have a condition of great and unexampled general prosperity, coupled with an acute and apparently permanent condition of depression in regard to a particular industry, and that industry the one which is undoubtedly the primary industry of every nation. The only condition on which the situation can be maintained is that the United Kingdom should continue to keep its unique position as a manufacturing and trading community."

If, therefore, the agricultural depression is permanent, and will not pass off in course of time, more or less of its own accord, or in consequence of the operation of certain economic laws—can nothing be done to remove it? Is the pharmacopœia of British statesmen and economists—not to speak of the Commissioners themselves—so poor as to contain no antidote, no effective remedy which can be applied to it?

Nothing but Protection can be an effective remedy.

To this the Commissioners reply that " nothing short of measures striking at foreign competition in the interest of the classes directly concerned with agriculture can sensibly raise the profits of the agricultural industry." In other words —nothing but protection can be an effectual remedy—but this the Commissioners are not prepared to recommend.

But Protection is not recommended.

It is most significant that they do not put it out of court entirely and absolutely - they say it is outside the domain of practical politics, but they do not pronounce it to be, in any case, an impossible remedy ; in fact they leave it somewhat of an open question, which the people may decide for themselves after being first informed as to what its adoption will mean.

"If the United Kingdom is prepared to regard the restoration of prosperity to agriculture—meaning by prosperity, the securing of a fair return upon his capital to the British producer—as a paramount and absolute political necessity, the real and effective remedy would be protective duties upon foreign agricultural produce. Now, nothing can be clearer than this, that the adoption of such a fiscal policy would in effect amount to the levying of a tax upon all those classes who are not directly or indirectly concerned in this particular industry for the benefit of the classes who are. From the rigid point of view of the economist it would be a wasteful process. Whether the indirect results of such a policy, in better equipping the nation for possible wars or by keeping a larger number of the people in the country and preventing the competition of labourers now residing in the country with workers in other districts, would justify such a policy are difficult problems which it hardly comes within our province to discuss. The controversy upon this matter in the thirties and forties must, in our judgment, be taken to have settled the matter until, at any rate, the situation of the whole country has become very different from what it is. The difficulties of reversing, even if it were expedient, the fiscal policy of the country, are enormous. The treaties with foreign States, the whole business arrangements of the civilised world, and the actual pecuniary interests of the majority of the British people stand in the way. The position, from the economist's point of view, of the United Kingdom, may be thus expressed. The United Kingdom is an aggregate of producers; its capital is invested, and its labour is annually expended in a large number of industries of different kinds. The greater number of these industries pay, some do not, and amongst the latter is the agricultural industry. We are, therefore, as we have said, in a condition of general prosperity and particular depression. . . . How far it is necessary or expedient for the State to attempt by legislation, or by any Government financial or fiscal operations to benefit the non-paying industries, obviously raises fundamental questions and a discussion as to the theory of the State, We must decline to enter further into this matter, as it would be impossible adequately to consider it without unduly prolonging our Inquiry and Report. We therefore set aside protection by the imposition of duties on imported produce as being not within the range of practical politics" (p. 872).

But though the Commissioners express themselves as "not able to recommend the adoption of protection, or of a

bounty system, which might afford a real remedy for agricultural depression by raising prices," they, however, recognise that there are "certain palliative remedies or lines of action which would distinctly tend to improve the agricultural situation." Palliative Remedies, however, Recommended.

The question which the Welsh farmer has to ask himself, and which the Commissioners have considered on his behalf is:—As to what kinds of commodities is the competition least, and in respect of which there is the greatest chance of underselling the competitor?

"Now foreign competition is naturally greatest as to those agricultural products which

(1.) Are most easily and most cheaply conveyed in ships and by railway companies,

(2.) Are least perishable, or run the least risk of damage in transit, and

(3.) Are produced with the least expenditure of capital and labour in competing foreign districts.

These conditions are, on the whole, best fulfilled in regard to cereals and commodities produced on a large scale, especially in new and virgin soils. That this is so is clearly proved by the fact that of the main commodities produced by the British farmer, it is cereal crops that have fallen in the largest ratio of price; on the other hand, competition is most difficult in regard to what the British farmer usually considers the less important produce of his farm, we mean dairy produce (milk, potted cream, butter, and cheese), poultry, eggs, and so forth.

In the next place, the agriculturist should ask himself, whether he cannot, by greater skill and sounder judgment, produce a commodity more suited to the taste of the consumers who purchase in the available markets. And thirdly, he should endeavour in every way to lower the cost of production.

The palliative remedies which the Commissioners have to recommend fall, therefore, into three classes:—

(1) those designed to improvement in the general method of British farming;

(2) those tending to an improvement of quality; and

(3) those directed to a diminution in the cost of production.

The system adopted on a typical Welsh farm is that usually described as "mixed farming." This is especially the case on the vast majority of small farms. The Commissioners observe (pp. 850-1) that "speaking broadly, and taking a rigid economic standpoint, the average small farmer does not make the most of his holding. We do not say it is wholly his own Neglect of the subsidiary departments of farming

fault, but believe that it is very largely due to the rigid and complicated form of the agreements in vogue, the defects of a traditional and antiquated method. Very often, with no capital, or very insufficient capital, he carries on cereal production to an extent quite out of keeping with the size of the holding and character of the soil, and with the means at his command. So, again, even if he does not make this blunder, he overstocks the holding and tries to carry on his undertaking on too large a scale; but more often, on the other hand, the holding is from want of capital or enterprise understocked. Again, oftentimes, there is gross neglect as to the quality of the stock, and the breed is allowed, sensibly, to deteriorate. In many instances, again, the farmer does not employ enough labour.

"But the great, the capital blunder of the small Welsh farmer, is his refusal to look the facts of the situation in the face, and to accommodate himself to the production of those commodities as to which competition is least keen or most easily fought, we mean his neglect of dairy farming and poultry farming. He has not learnt even yet that to make a profit he must approach his business with the astuteness of the manufacturer, and that his best chance lies in making butter and cheese of the best qualities, and in the general development of those departments of farming which he has looked upon hitherto as subsidiary and comparatively unimportant."

The difficulties in the way of successful butter and cheese making, fruit, vegetables, and poultry farming, have been partly due to want of facilities for distribution, and to the want of any system of co-operation among farmers and producers as well as to lack of skill and knowledge.

The palliative remedies which the Commissioners, therefore, suggest (p. 873) may be briefly summed up in the two words:—(A) Co-operation, and (B) Agricultural Education.

A. Co-operation.—As to the first, the suggestions of the Commission bear a close analogy to the principles on which is based the British Produce Supply Association, which owes its origin chiefly to Lord Winchilsea's activity.*

* The following is a recent statement of Lord Winchilsea's as to this Association :—"The movement aims at organizing, on modern and businesslike lines, the collection and distribution of British produce, and by so doing to regain for it that position in our home markets of which foreigners are fast depriving it, not so much by the excellence of their wares as by a more perfectly organised system of supply.

Eventually we hope to effect this by means of a net work of local associations, established on co-operative lines, and affiliated to the Central Society, which will receive their produce and distribute it through its depôts in London and other great centres of population."—*Times*, 13th October, 1896.

The Commissioners point out that a distinction must be drawn between (1) Co-operation in production, and (2) Co-operation in distribution.

CO-OPERATION :

1. *Co-operation in Production.*—There are certain fairly obvious limits to the field within which a co-operative system of agricultural production is likely to prove beneficial to farmers. This is notably the case as to stock-rearing, and the Commissioners also add poultry farming—though at the same time the latter "might be carried on successfully on a considerably larger scale than is customary on Welsh farms. The prices obtained for poultry in the great towns, notwithstanding the foreign competition, are still very high, and we have not the least doubt that by proper organisation there is great profit to be made in this branch." But the organisation in question refers chiefly to the carriage and disposal of the produce—in other words, it is co-operation in distribution and not in production.

It is in regard to dairying—and more especially the making of butter and cheese—that, in the opinion of the Commission, co-operation in production would be likely to be most successful.

in establishing butter factories,

The suggestions which are thrown out under this head are so important that we reproduce them in full :—"We are of opinion that the general establishment of butter factories to which groups of farmers might send their milk to be manufactured would in a short time, when the advantages of proximity to the markets are taken into account, compete successfully with almost any of the countries that now import butter into the United Kingdom. More than one witness suggested that the County Councils might to some extent assist in the formation of such factories as exist in Denmark and other countries. No plan of a definite kind for the creation of such factories through the agency of the County Councils was laid before us, and we feel it difficult to specify precisely the method which should be adopted. The general principle, the adoption of which we recommend, is this : the County Councils, by way of experiment, should purchase the site and make the proper buildings and appoint an expert controller of the factory. A definite group of farmers should be encouraged to send agreed and regular supplies of milk to the factory. The controller should make contracts with railway companies and with agents in the towns for the distribution and sale of the produce, taking care to eliminate so far as possible all middlemen. Accounts should be made up at convenient intervals, say every month, showing the profit made by the whole transaction. A fair

either by County Councils,

interest on the capital outlay of the County Council should be a first charge on the profits, and of course the expenses of working would be debited in arriving at the amount of profit. The balance of the profit should be divided among the contributing partners in proportion to the quantities of milk sent by them respectively to the factory.

or by the owner of each estate for his own tenants.

"Legislation would be required to enable the County Councils to carry out such an operation as we have glanced at. Of course the intervention of a local authority is not absolutely necessary for securing the benefits of the system. We have more than once referred to an estate as "an economic unit," and we cannot help thinking that many estate owners would, in the long run, find it much more profitable to expend their capital in erecting and carrying on such a factory as we have been considering, rather than continuing the present system of providing and repairing buildings necessary for arable farming and cereal production alone.

"There can be no doubt that the matter would be experimental at first, but if there is no considerable economic change in existing conditions sooner or later, we are convinced that an estate owner will have to modify the existing methods. The tendency in every business appears to be in favour of production and distribution on a large scale by syndicates, trusts, and other forms of combination, and we are of opinion that 50 farmers on separate holdings, each pursuing his own course, cannot hope, even if prices improve, to make so satisfactory a profit out of the aggregate individual operations as they might reasonably expect from prudent combined operations" (p. 874).

Unsatisfactory condition of Welsh Dairies.

Apart from the necessity for co-operation, many useful hints are also thrown in in another part of the Report where the question of dairying is dealt with (p. 760).

Throughout the greater part of Wales, the dairy accommodation is at present in a most unsatisfactory state and urgently needs improvement. Dr. Wyndham Randall, of Bridgend, as Medical Officer of Health, speaking of the dairies in Glamorganshire, said they were generally built at the back of the house, often in close proximity to manure heaps, which would undoubtedly tend to contaminate the milk, and be the cause of spreading disease.

Mr. Dudley Drummond, of Ferryside, pointed out what the local authorities could do in the matter by suggesting that dairy inspectors might be appointed for each poor-law union :—"I think that will improve them, if the inspectors did their work properly."

As to cheese, it was frequently stated in evidence that in many farmhouses, there was no proper room for storing it, except in bedrooms or attics, along with wool, corn, feathers, and lumber.

2. *Co-operation in Distribution.*—It is observed that the two chief points in which this form of co-operation is likely to be beneficial are—

(*a*) in dealing with railway companies and other carriers,

and (*b*) in eliminating the middlemen, each of whom, at present, is receiving something for the services which he renders in bringing the producer and consumer together.

This is, moreover, the solution which the Commission offers to the Railway Rates Question:

Co-operation for distributing and selling produce.

"The chief answer made by the railway companies in reference to complaints of high rates and inadequate facilities for the carriage of Welsh farming produce is that the supplies are irregular, and that some kinds of produce are packed so unskilfully as to make expensive precautions on the part of the railway company necessary. It is perfectly obvious that if a group of farmers, instead of each making their weekly or bi-weekly arrangements, would combine together and make contracts with the railway companies, they could do so on much more favourable terms than at present. So, if instead of each packing and delivering the produce in his own way to the railway company, a group combined to employ at some convenient place near the railway station a competent packer or packers furnished with suitable boxes or appliances, the railway companies could afford to lower the rates very considerably and leave the group in a more advantageous position after all payments incident to the packing had been satisfied" (p. 874).

What is being done in France.

The Commissioners then quote an interesting statement made before them by Mr. H. W. Wolff, a gentleman who may be described as an enthusiast in the cause of co-operation. His statement has reference to the wonderful change that has been wrought in France since 1883 by the organisation of the peasants and farmers into agricultural syndicates, which are of course only a French form of co-operative agricultural societies.

The moral is that what is being accomplished by the French peasants may be worth imitation by the small farmers of Wales.

AGRICULTURAL EDUCATION:

B. Agricultural Education.—"A great deal remains to be done for the improvement of the *quality* of some kinds of

Welsh produce," especially butter and cheese. To this end the Commissioners recommend

I.—The continuance of the system of agricultural education that is now getting into working order.

It may be observed that the Bangor College Scheme, which is regarded as a model for purposes of agricultural education, contemplates the acquisition of a farm within convenient distance of the College, which will be used:

(i) as an experimental station for original research,

(ii) as a residence for agricultural students following the College course, enabling them to obtain practical experience,

Extension of college work.

and (iii) possibly of a location for the dairy school of the district.

This scheme has been submitted to and received the approval of the Board of Agriculture, and the Commissioners express their opinion "that the carrying out of the scheme is most desirable, and recommend the Board of Agriculture to take the necessary steps for bringing it into practical operation" (p. 816).

Appointment of dairy experts.

II.—The appointment of dairy experts, either under the County Councils or under the Board of Agriculture, who might be consulted by the Welsh farmers on all the topics connected with the business, not simply in reference to the manufacture of butter and cheese, but in reference to prices, railway rates, and all the topics on which the average farmer, residing as he does in the country, is not likely to be so well informed as a person the ordinary business of whose life is to obtain all kinds of useful knowledge, including an acquaintance with the most suitable centres for butter factories. "We may remark," the Commissioners add, "that in Denmark, which has developed such a large dairy business, consulting dairy experts have for some years been appointed and actively assisted in the development of the trade; and we have no doubt that the success of Danish dairy farming is largely due to the energy and skill of the experts appointed by the Government" (p. 875).

III.—The extension of the work already done by the Board of Agriculture for the diffusion of useful knowledge among farmers.

Hints for Welsh farmers.

In connection with this question of agricultural education, it may be observed that emphasis is throughout laid on the necessity of producing commodities for which there may be a special demand, or in respect of which foreign producers cannot so easily enter into competition. A large number of hints, useful for Welsh farmers, are thrown out in various

parts of the general Report (signed by all the Commissioners), and it may be well to try and collect the more important of them here.

Necessity for sound sires in breeding.

As Wales is chiefly a stock-raising country the greatest care should be exercised in the selection of sires—especially entire horses and bulls. The opinion was frequently expressed that no horse should be allowed to travel any district without carrying a certificate of soundness from a veterinary inspector appointed by the Government, but the Commission have not formally endorsed this suggestion, though they appear thoroughly to approve its principle.

"Bad horses cost as much to rear and keep as good ones, and every encouragement should be offered to select sound, well shaped mares, by prizes given to mares' classes at shows, whilst, on the other hand, there is no doubt that some means should be taken to prevent unsound stallions travelling the country, every facility of access being given to the Queen's premium stallions" (p. 746).

The development of the Welsh pony.

The breeding of light horses, cobs, and ponies, might be made much more profitable than at present. As to ponies, it is observed (p. 745), that "the stoutness and endurance of the Welsh pony is proverbial, and if attention were paid to selection in breeding, separation of the sexes, and feeding and shelter in the winter, an exceedingly valuable addition to the mountain farmer's profits might be found at a small cost. It is only necessary to look at the large sums paid for polo and harness ponies to realize the market that there is now for this class of animal." The extension of Queen's Premiums to cob and pony stallions is also recommended.

The suggestions as to cattle breeding are of a most valuable character, but the cardinal rule here again is that "no effort should be spared in breeding by the best sires that can be procured—it being impossible to calculate the enormous loss to the country by breeding from inferior sires." The "points" of a good cow and a good bull are then explained in great detail, instructions are given as to the rearing of the young, and a warning is given against injudicious crossing.

Injudicious crossing to be avoided.

"Many an excellent herd of cattle in the county of Pembroke, within the last 40 years, have so dwindled and deteriorated by injudicious crossing as to become valueless as rent-paying animals, a disgrace to the man who breeds them, and an injustice to the land on which they graze. A walk through the Pembroke monthly market or fair is quite sufficient to convince anyone as to the uselessness of this indiscreet crossing." Unless Pembrokeshire men look to

their laurels, "Ichabod" will soon be pronounced over their famous Castle-martins!

The provision of adequate shelter for sheep.

As to sheep, the worst enemy that the typical sheep-farmer has to fight against is the inclemency of the weather. "During 40 years' experience, one sheep farmer found that in the worst year he ever had, he lost one sheep in every four, and in the best, one in every 50." The provision of adequate shelter is therefore of vital importance. "Natural shelter will be found on some mountains, but, as a rule, it is very inadequate, and should be supplemented by plantations, the erection of earthen mounds, or the construction of sheds. The latter are by far the most satisfactory, for facilities are thus afforded for storing hay and feeding sheep, as well as providing protection from storms. This is a class of improvement that would naturally fall to the landlord, but we think it would be a very profitable outlay to both landlord and tenant."

Something might also be done by a more satisfactory adjustment of mountain and low-lying land, and the suggestion is also thrown out that flock-owners might possibly lessen risks by personal effort and co-operation *(e.g.* providing common shepherds to look after several flocks) and also by insuring their flocks.

More might also be made of the wool than at present, in spite of its extremely low price. A little more attention to winter feeding, and the provision of shelter would improve the growth and quality of the wool, while the utmost cleanliness of the fleece both before and after shearing is also most essential to secure a good price. Moreover, if properly cared for and preserved in an undamaged condition, the skins of Welsh mountain sheep are specially suitable for "roller leather" for which there is a great demand in the cotton industry (p. 756).

Accommodation and general treatment of pigs should be improved.

As to pigs the chief necessity is an improvement in their accommodation. "Some of the principal requisites in breeding pigs successfully are a warm, well-ventilated sty paved with bricks or wood blocks, having a southern aspect, good drainage, great cleanliness, frequent feeding, and personal attention. To the ordinary observer it is quite obvious that these requisites receive but little attention in Wales. The styes are frequently of the most ramshackle description, facing north, east, or anywhere but where the rays of the sun are felt, and fixed in low, damp corners, because useless for any other purpose, and convenient for the accumulation of filth. As to food, the animals have to live for a great part of the year by their wits, and it is

scarcely necessary to add that animals reared under such circumstances as these lead most precarious lives, and it says much for their energy and hardiness that they succeed in picking up a subsistence at all."

As to the most suitable breed, it is pointed out that the Tamworth pig (which is red with darkish spots, has an unusually lengthy nose, and is generally long-bodied with deep flat ribs) has by far the largest proportion of lean meat of any breed, and on this account they are becoming greater favourites in Wales.

Bacon factories are much needed in Wales. In railway rates alone they would effect a considerable saving. If butter and cheese factories were established, bacon factories would, doubtless, follow. Agricultural education may also lead farmers to give winter employment to labourers by way of curing bacon at home instead of selling all their pigs.

First aid in animal diseases.

As to diseases prevalent among Stock, it is observed (p. 760) with approval, that extension lectures dealing with this subject are given by the University College of North Wales, while the Pembrokeshire County Council have also employed a veterinary surgeon of the district to give lectures on first-aid in animal diseases, in various places throughout the county, generally on fair or market days, at which farmers attend in large numbers.

Combination for the purchase and analysis of artificial manures,

One of the chief points dwelt upon in connection with cultivation is the need of much judiciousness in the selection of artificial manures, which it is therefore necessary to have analysed. Under the Fertilisers and Feeding Stuffs Act 1893, the services of a chemist are now available in each county for the analysis of agricultural samples on very moderate returns, but hitherto very few farmers have availed themselves of facilities thereby afforded them. The following is quoted from a statement on the subject supplied to the Commission by Professors Dobbie and Winter, of Bangor (p. 732):—

And suggestions as to the manurial requirements Welsh soils.

"The best practical means of helping them to obtain a good article at a moderate price, is to encourage combinations for the purchase of manures on the basis of analysis. Such combinations already exist in a few localities and in recent years many farmers, especially in Montgomeryshire and Denbighshire, have joined the Lincolnshire Farmers' Association, which was established in 1868 for the purpose of purchasing manures at wholesale prices. It is to be regretted that so few farmers thoroughly appreciate the fact that the value of artificial manures depends almost entirely on the amount of nitrogen, phosphoric acid, and potash which they contain, and on the condition in which these ingredients exist in the manures. If this were better understood, it is probable that farmers would prefer to purchase the manurial constituents and mix them themselves in the proportions best suited to their requirements, rather than buy mixed manures the price of which must necessarily be

fixed at a figure which will not only cover the cost of the material, but recompense the manufacturer for the labour of mixing and for skill in compounding the mixture."

Mr. Alan Murray, of the Aberystwyth College, in a statement as to the manurial requirements of that part of South and Mid-Wales which falls within the area of the College, remarks that his observations, so far as they go, tend to show that:—

"1. The soils are fairly well supplied with potash, and that potash manures are not necessary for grass or grain crops, but may be advantageously employed for turnips.

"2. The soils are characteristically deficient in lime, except in a few localities, and these not of very wide area.

"3. Phosphatic manures are indispensable.

"4. With respect to nitrogen, I consider that the farmers of these districts might with advantage adopt one of three courses, namely—purchase more of concentrated nitrogenous feeding stuffs; employ more nitrogenous manures; or grow more leguminous crops."

The Commissioners also make the following suggestive remarks on laying down permanent pasture (p. 740):—

"Although the amount of pasture land in Wales is so considerable, it would be wrong to say that any great portion of it has been laid down systematically for permanent grass, for the majority of Welsh farmers who have converted arable land into pasture have allowed the land to "find its own sward." A few kinds of seeds of a temporary character have been sown and where these have died out, nothing has remained but what nature provided. Generally speaking, there is but little attempt to consider the conditions essential to the production of grass of a profitable nature. In the first place, the land is not properly drained, the soil is not clean, the manure applied is scanty and poor, and the seeds are selected quite heedless of the object in view. It is obvious that Welsh farmers have yet much to learn in the way of "making" and managing pasture land.

Although Wales, generally speaking, lends itself well, from the nature of its soil and the humid character of its climate, to the laying down of land to grass, still it may be well to state that this process of converting arable land to pasture may be carried on to too great an extent, since a larger stock may be maintained, and a larger quantity of meat and dairy produce obtained upon a mixed arable and grazing farm, provided the arable land be good and suitable for roots—than if the whole farm were grass."

Attention to these and similar suggestions may tend to make the lot of the Welsh farmer less hard than it is at present; if adopted they may alleviate to a slight extent the crushing burden of agricultural depression, but they cannot remove it inasmuch as they cannot possibly cause a general rise in prices. They are simply "palliative remedies." They may lessen the losses of Welsh farmers, or where the loss is small, they may actually convert it into a profit.

But Welsh farmers will do well not to neglect them on the mere ground that their adoption will not forthwith restore complete prosperity in agriculture.

3.—THE UNSATISFACTORY NATURE OF THE YEAR-TO-YEAR TENANCY.

To the question of the agricultural depression, its causes, effects, and remedies, a very considerable portion of the evidence of all classes of witnesses was naturally directed. But the Commissioners observe that it was upon the subject of agricultural tenure that they received by far the largest amount of evidence. "If we were to judge from the quantity and character of the evidence alone, we could not avoid the inference that it is the unsatisfactory character of this system that forms the chief grievance of the cultivators of the soil" (p. 876).

The dissatisfaction with tenure aggravated by depression.

But to what extent are the two questions related? Is not the alleged dissatisfaction with the system of tenancy largely, if not entirely. due to the depression?

The view which the Commissioners take of this matter has been already disclosed in summarising the history of the land question (pp. 96-104), but their conclusion is further restated here in the following terms:—

"In our judgment the facts that we have collected show that the dissatisfaction of Welsh tenant farmers, with their economical and legal position, has existed for a very considerable period. If so, it would not be true to allege that it is the economic depression of the industry that is the cause of a persistent demand in all parts of Wales for such a reform in the system of tenure as will secure to the tenants a fairer division of profits as between himself and his landlord, and an improved and secure position upon his holding. No doubt, so long as times were good, and tenants could pay their rents, and yet get some return for their capital and labour, the anomalous and unsatisfactory position that they occupied was not felt in the same acute degree as at the present time. Probably agricultural depression has accentuated the feelings long entertained by Welsh tenants. So long as it was only individuals here and there who suffered from undue exactions in the form of rent, or arbitrary and capricious action on the part of the less wise and generous landlords, the demand for reform was chiefly made by those who themselves suffered. But the great fall in prices has made practically every tenant farmer inquire into the legal and economic conditions on which he is carrying on his business.

As the evidence before us shows, it is not only a few discontented persons relying on exceptional cases that condemn the existing law and practice; but responsible men of all classes, and tenants in all parts of Wales on large and small estates alike who have come forward to complain of the unfair character of a tenancy from year to year.

"The relation between landlord and tenant," in its legal and economic aspects,—what is it? This is the question with which the Commissioners start once more, and though it has already been answered in what was necessarily a somewhat diffuse manner, they now find it expedient to sum up their conclusions, so that they may be enabled to focus their attention on those points in which the present system appears to be defective and capable of amendment.

The legal relation between landlord and tenant,

As to the legal aspect, two points are mentioned: first, that the law recognizes no absolute ownership in land; consequently the view which is ordinarily held that the estate owner or landowner is an owner in the same sense as the owner of a personal chattel is not accurate. Secondly, apart from the Agricultural Holdings Act, and apart from an express or implied agreement, every pound that the tenant spends upon the land accrues to the benefit of the landlord; every building and every fence that he erects becomes annexed to the freehold, and does not, in case of a determination of the tenancy, in the slightest degree affect his legal position.

essentially uncertain,

"It might have been expected that a tenure, from the lawyers point of view so obviously insecure, would have resulted in frequent changes of tenancy and be deemed so entirely unsatisfactory by free and capable persons as to be refused on all hands; but one, of course, cannot help in this connection noticing the abundant testimony we have to the long-continued duration on the same holding, or under the same family of landlords of a particular family of tenants. One is, of course, tempted to infer from this that, whatever the legal theory, in practice a tenancy from year to year in the majority of instances has been practically secure." Three qualifications have, however, to be made to such inference, though it is readily acknowledged that it has a basis of truth:

so that continuity in tenancy is largely attributed to other causes.

(a.) That tenancy from year-to-year is, in most instances, of comparatively modern introduction.

(b.) That the increase in the value of land as an instrument of agricultural production as well as in other respects, has, since the time when tenancy from year to year became prevalent, been so great and so continuous that it has not been necessary for most landlords to exact competition rents, while the position of the tenants as agricultural producers has improved, not indeed at the same rate as the value of the land, but still at such a rate as to enable them as a whole to comply with the landlord's demand for a continuous increase of rent.

(c.) "That the relation of the parties, speaking collectively, was, until recent times, determined not so much by economic and competitive considerations as by custom, tradition, and sentiment. In proportion to the extent to which the relation of landlord and tenant becomes commercial, there appears a tendency to change. Down to the commencement of this century, it can hardly be said that either land-owning or farming was conducted on commercial principles, or with the main aim of making and realising a money profit. Both classes were imbued with notions

concerning politics and society that belonged to a time even then fast receding into the past, and the change from older systems of tenure, which, whether economically better or not, yet afforded greater legal security to the tenant, was brought about silently and obscurely under the influence of those sentiments without the realization by either party of the actual and ultimate effect.

"Whether we are right or not in these inferences, it seems clear enough that it is in proportion as tenancy from year to year has become prevalent that the complaints of tenants have become most grave and loud. But at the same time we must readily admit that a tenure which from the lawyers' point of view is as short and uncertain as it could well be, having regard to the nature of an agricultural holding, has been in practice even during this century more enduring than could be expected" (p. 879).

The economic relation between landlord and tenant:

So much for the legal aspect of the relation between landlord and tenant. Its economic aspect has been already explained at some length—the Commissioners' view being that "economically, landlord and tenant are partners in the business of production," but it is necessary to re-state it briefly here. "The general assumption on which landlords and tenants act is that the landlord does all the permanent improvements and makes and repairs all buildings on the farm, while the tenant provides the capital and labour necessary to carry on the business of farming on the holding in its given condition. The total capital, therefore, employed in carrying on a particular farm (as distinct from the land in its unimproved condition, as an agent of production) may be divided into two kinds, first, landlord's capital, and, secondly, tenant's capital. Landlord's capital includes that portion which has been expended by him and his predecessors upon converting the unimproved land into a properly equipped farm. The tenant's capital consists of that portion which he expends at the commencement of the undertaking for its sufficient carrying on, and which he has to expend from year to year to continue the business" (p. 880).

A partnership to which both landlord and tenant have contributed.

The theory is not capable of rigid application in Wales, for "the holdings are nearly all of them of great antiquity, and in many cases there can be no doubt that long before tenancy from year to year came in vogue there were buildings upon them, the fields had been arranged, the fences made, and they were, in short, definite agricultural areas. It must not, therefore, be assumed that all the buildings and permanent improvements have been made by landlords. Before tenancy from year-to-year became prevalent, in most cases it

was the tenant who erected the buildings and made those improvements. If, therefore, we ask ourselves the question: which class, the estate owner or the actual cultivator of the soil, has in fact done most to improve the land, and to convert it from its original unimproved and prairie condition through many centuries, it would probably be found that at the end of the Great War, or at any rate in the middle of the Eighteenth Century, the greater portion of the cost of the economic transformation of the country had fallen upon the class actually cultivating the soil."

In Anglesey and some other parts of the country distinct traces were found of the earlier system under which the tenant erected and repaired buildings, while in other parts, especially on particular estates, *e.g.*, the Margam and Garthmeilo estates, the theory of the new system was, in actual practice, only imperfectly carried out, inasmuch as there was, or had been, much neglect on the part of the owner in repairing the buildings and making necessary improvements.

But "on the whole, at any rate until the recent depression set in, the landlords of Wales have endeavoured to follow the example of the English owners by expending money on the development and improvement of their estates as agricultural concerns. We feel bound to say that a great deal remains to be done on many of the estates, especially those situate in the more distinctively Welsh-speaking counties, before the theory we have described can be said to be properly in operation. . . . . However this may be, for practical purposes and clearness of thought, it must be assumed that at the present moment farm buildings and permanent improvements represent for legal and economic purposes landlord's capital, though in estimating the equities of the situation for the purposes of legislation the share of the work of transforming Wales from an undeveloped country into an aggregate of farm holdings borne by the ancestors of the existing race of tenants ought not to be ignored."

Each being a capitalist.

There are, therefore, two classes of capitalists employed in the business of agriculture: first, a landlord, and secondly a tenant (p. 890).

"But the landlord occupies a double position:—(i.) So far as he is the owner of the land in its unimproved condition, he is not, strictly speaking, a capitalist, and as such he is by an automatic process able to exact for the use of the inherent capacity of the soil some part of the return or profit of the joint adventure.

ii. So far as the land is improved by the expenditure of capital by himself or his predecessors he is a capitalist.

The tenant is also a capitalist investing his capital under the terms of the contract of tenancy. The periodic payment or rent represents: (*a.*) The true economic rent. (*b.*) Profits on the landlord's capital.

Peculiarity of partnership.

The first peculiarity of this partnership is that the share of profit to be received by one partner is fixed beforehand, and that the other partner makes his agreement to pay it before actual operations have commenced and without knowing with any certainty whether he will or will not make a profit in carrying on the business. In practice the arrangement is not so risky as it seems, because (most of the farms being old holdings on which tenants have been carrying on business for many years), a rough and ready estimate can be formed of what the average skilful and prudent farmer can make out of the holding. We say "rough and ready" because we were struck on more than one occasion with the difficulty which valuers had in giving sound reasons for their estimate of the annual value of land. In fact we note few tenant farmers keep accounts, or are competent to keep them, and few make any real calculation, when applying for a farm, as to what rent they ought, upon a sound business footing, to offer to pay for their holdings. In order to understand the operation of the existing system, it is necessary to make up a hypothetical account on true principles between a landlord and a tenant from year to year (*see* p. 374), and then we can, by considering the incidence of the different items, form an opinion as to its fairness to the respective parties."

Model Balance Sheet of landlord and tenants' yearly account.

"Now, if at the end of every year, or at some convenient intervals, an account on this business basis were taken between landlord and tenant and the amount of the profit properly ascertained and fairly divided between the landlord and the tenant, no serious objection could be taken to the system from a business point of view. But the operation of the system as it exists is that whether the tenant makes a profit or not, or whether or not he gets a sufficient money return to afford a proper sum for his own actual labour, or for wages of superintendence, or for interest on his capital, he is bound to pay the agreed rent (= rent + profit) to his landlord, and cannot recover any portion of the sum even if he is able clearly to demonstrate that no profit has really been earned upon the joint adventure.

We have seen that many Welsh farmers actually themselves work upon the farm, and not one in ten ever thinks

BALANCE SHEET OF FARM.

Lady-day, 1894 to Lady-day, 1895.

Dr.	£		Cr.	£	
1. Capital at Lady-day, 1894, value of :—			1. *Stock sold* :—		
(i.) Live stock			Horses		
(ii.) Growing produce ...			Cattle		
(iii.) Stored produce ...			Sheep		
(iv.) Farm plant			Pigs		
(v.) Furniture			Poultry		
Total capital	£	A.	2. *Produce sold* :—		
2. Current out-goings :—			(i.) Cereals		
(i.) *For materials* :—			(ii.) Other crops		
(a) New stock			(iii.) Milk		
(b) Manures			(iv.) Cheese		
(c) Seeds			(v.) Butter		
(d) New implements ...			(vi.) Eggs		
(e) Sundries			3. Capital at Lady-day, 1895 :		
(ii.) *Labour* :—			(i.) Live and dead stock		
(a) Wages of superintendence ...			(ii.) Growing produce		
(b) Wages generally to labourers constantly employed (*a*) indoors, and (*b*) outdoors ...			(iii.) Stored produce		B
			(iv.) Farm plant		
			(v.) Furniture ...		
(c) Casual labour (farriers, &c.) ...					
3. Maintenance of indoor labourers					
4. Rates, tithes, taxes... ...					
5. Insurance of stock and furniture					
6. Cost of conveyance to market					
Total ...	£	X.	Total ...	£	Y.

"If in this account X exceeds Y, there has been a loss on the particular year. If Y exceeds X, there has been a gain.

Now, it will be seen that in the table we have omitted all rent. But, *ex hypothesi*, if he can afford it, the tenant is to pay *rent*.

Rent on what ? Not for access to the land only, but for permission to utilise the land in its condition on the 25th March, 1894, with all its equipments of buildings, fences, roads, &c., and its advantages of situation in regard to available markets.

The best method of dividing the profit and loss of the joint undertaking.

But, on the other hand, we have not brought into the account any interest on capital invested on the farm at Lady-day, 1894. Now, assume Y exceeds X by Z. Then, if the landlord claims Z as rent, and that is payable, there is no interest on the tenant's capital, and he is a loser. If Z is so large that a fair interest can be taken on capital A. then the surplus (Z—interest on A) can be paid to the landlord.

Now, if Z interest on A is so large as to amount to a fair interest on the total capital of the landlord invested in the farm, the whole adventure is profitable. Both landlord and tenant get a fair return on their money—a fair interest on the capital employed in the joint adventure" (p. 892).

that if he were a really good business man he would have, in estimating his profits, to debit his account with the value of his own labour. So, again, he never properly considers the question whether he is obtaining any interest at all upon his own capital. He goes on from year to year, contented if he can just pay the rent and keep his family, and get some little money in hand at the end of the year to provide against contingencies. The notion that he is engaged in a business which is only economically justifiable in case he is getting a proper return upon his capital never occurs to him. We are convinced that on many a Welsh farm, even in years of agricultural prosperity, if some more than usually intelligent farmer had gone to an accountant and had his accounts for two or three years properly adjusted, he would have found that it would have been better for him to clear out of his farm, take the residue of his capital away, invest that capital with reasonable safety at reasonable interest, and hire himself out as an artisan or labourer for wages. There can be little doubt that he would have found himself, economically speaking, much better off. The whole position is of course, due to the force of tradition and of custom.

On the other hand it is very noticeable that even the most generous landlords never seem to have realised the economical relation between themselves and their tenants. They have found it necessary to make abatements or permanent reductions in recent times, but, so far as we can find, in no instance has any landlord thought fit to return rents to-day, even though the tenant alleged that he was a loser, or if the tenant were going into bankruptcy or obliged to leave the holding.

Economic defects of this form of partnership.

The more this partnership agreement is considered the more unbusinesslike and unfair it appears. In practice there can be no doubt that it works in such a way as to secure to one partner either the whole or at any rate such larger share of the profit as he may, under the disguise of re-valuation or re-fixing rent, choose to exact, while it presents this curious feature, that either partner may determine the arrangement by a year's notice to quit. So that, looking at the matter from the tenant's side, after carrying on, it may be, the business for 20 years with perhaps only a very moderate profit, just when times have become better, and partly in consequence of his own long-continued attention to the farm, he finds himself in a position to make a larger share of profit, he may be then face to face with a demand from his partner for such an increase in rent (= profit) as will absorb the additional percentage that he might rationally expect to

enjoy, or else of having to give up the business under circumstances which entail an inevitable shrinkage of his capital. We cannot conceive a more unjust arrangement from a true business standpoint, and the existing situation is obviously only maintained because the great bulk of the tenants are swayed not purely by intelligent application of business motives, but by sentiment and custom" * (p. 893.)

The Commissioners put the situation more concretely thus:—"If a tenant were a really sensible man, he would not remain on his farm except upon the terms, first, that he could support his wife and family without borrowing money, secondly pay his taxes, and thirdly, get some interest on his own capital. And it would only be when these three conditions were fulfilled that he would undertake to pay any rent at all. On no other conditions is it really worth his while to remain on the holding. It will be said, why should he get interest on his capital before the landlord gets interest on his? The answer is, there is no reason in the nature of things, but, if it be unreasonable for him to insist on some return on his capital, it is equally unreasonable for the landlord to get his share of profit on his capital without the other partner obtaining any. The true solution from a business point of view, would undoubtedly be that the accounts should be periodically made up, and the share of profit or of loss properly adjusted between the parties.

In what proportions should the profits (if any) be divided between landlord and tenant?

This brings us to the question: in what way—assuming that upon the prevailing tenure a profit has been made upon a particular farm for a given year—should the profit be divided between the partners. Ought the rate of interest on landlord's capital and on tenant's capital to be the same? If not, what should be the ratio between the rates of interest on the former and on the latter? This is a matter of some difficulty, but we think that most persons would agree that under the conditions prevailing in Wales, and the condition of a rapid fluctuation of prices in the British markets, the venture is more risky from the point of view of the tenant than from the point of view of the landlord. It is, on the whole, a safer thing for the landowner to invest his money on his own land than for a man to come and take a farm on ordinary terms at the present time. Consequently we think, that in the division of profits, the rate of interest on the tenant's capital ought to be higher than the rate of interest on the landlord's capital" (893).

* Compare the statement of Sir William Harcourt at Rhymney on October 6th, 1896:—"The landowner and the farmer are partners in the cultivation of the soil, and if there is loss, the loss ought to be pretty fairly shared."—D. Ll. T.

It is observed that Professor Low in his work on "Landed Property" (pp. 14-15), takes the same view as to the division of profits between landlord and tenant, and the following extract from his work is therefore quoted :—

'With respect to the proportion of the value of the produce that shall be paid in any case as rent, this depends on many considerations not reducible to rule. It depends on the quality and productiveness of the land. The poorer soil will require a greater expenditure of labour, consequently leaving a smaller proportion of produce available as rent than the richer. It depends, further, on the nature of the returns, as whether there shall be corn or animal produce, and lastly, it depends in a great degree on the modes of agriculture adopted, and the habits and conditions of the tenantry . . . The actual profit to be derived by the farmer should in every case bear a ratio to the capital employed by him. The lowest calculation that can be fairly made is 15 per cent. on the capital outlay employed, out of which the farmer must support himself and bear the risks of his trade. The farmer, therefore, who takes the land, should calculate in the first place the fixed capital he must advance, allowing 15 per cent. for interest, the profit of stock, his own maintenance and the risks of his trade. The remainder of the produce is left for expenses, and the landlord's rent. . . . Were the price of farm produce to be always the same or nearly the same, little difficulty would present itself in the fair adjustment of rents. But these prices vary from the greater or less supply, and sometimes from causes which could not have been foreseen or provided against at the time of the contract.'

Or what percentage of interest each should have for his capital?

"The remarks of Professor Low strike us as pointing out the true line upon which the problem of what is a 'fair' rent is to be solved. In much of the discussion that has taken place in regard to the Irish land question, and in regard to measures like the Crofters Act, we are inclined to think that much difficulty has been raised by the ambiguity of the term 'rent,' and by the fact that no sufficient analysis of the notions involved in current theories has been made. The term 'fair,' like the term 'reasonable,' and other words of uncertain import, but which have secured a certain popularity in current controversy, do not solve difficulties, but only enable a person to evade the real issue.

When this is answered, the question of what is a "Fair Rent" is solved.

Every landlord who came before us professed not to require anything more than a fair rent, and a fair rent, he usually indicated, meant something less than a rent determined simply and solely by such conflict and competition as is involved in the bidding of an auction room.

So, on the other hand, tenants demanded one and all a fair rent, and, looking at the matter from our position at first sight, one might have thought that the parties had arrived at an agreement; but in fact the agreement was verbal and apparent, not substantial and real.

The same landlord who says that he only asks a fair rent, would object a short time afterwards to the intervention of any impartial third party between him and his tenants to determine the fairness of any rent, and insist that the valua-

tion of his agent or of some valuer appointed by himself was a sufficient and adequate test of fairness. On the other hand, tenants have demanded a fair rent, and sometimes used language which indicated that in their view a fair rent was such a periodic payment as placed them in a most advantageous position without any regard to the large sums of money which many landlords have sunk in the work of production. But the great difference between the evidence on the landlord's side and the evidence on the tenant's side was this, that the immense majority of the latter were always ready and willing to submit their cases to any impartial outside tribunal. The question of what is the measure of the fairness or justice of a particular rent is usually assumed to be a matter of very great difficulty. . . . But it is not much greater than that presented by the condition of many other industries, especially in regard to the determination of a fair rate of wages as between the capitalist and the workers employed in great industrial undertakings. . . . . .

What is at present meant by "Fair Rent,"

When there might be a large or comparatively large profit to divide, an impartial arbitrator could easily share it without marked dissatisfaction on either side; but when profits are low, and, above all, when the prices fall to such an extent that profit disappears, the adjustment of the relations of the partners would become more difficult. On the one hand you have the landlord saying, "Even if no profit at all "is made yet you have occupied my land. At the worst you "had house accommodation for yourself, stable accommoda- "tion for your horses, and accommodation for your stock; "something is due to me in this respect, because, quite apart "from the business of agriculture, my land would have "commanded some return if let to a person who required "that kind of accommodation, though not embarking in the "business of agriculture."

as used by tenant

On the other hand, the tenant says, "That is all very "well, but I am simply a business man, and if I were not a "farmer myself, but simply a capitalist going in for the "business of farming, I should have had to put a bailiff upon "the land, and either pay him sufficient wages to cover house "rent or else appoint him on the terms of giving him the "house and paying a less rate of wages for superintendence."

The difficulty of determining a "fair rent," or in other words a reasonable division of the profits of the partnership between landlord and tenant arises chiefly from the fact that the parties concerned will not agree to "certain definite businesslike first principles."

"Under the actual circumstances, what a landlord means when he says that he is willing to accept a fair rent seems to be this :—

'I am an estate owner; I have several farms; I could let them in their present condition and upon the terms of the usual tenancy from year to year by putting them up to auction at such or such an annual rental. That is to say, I might, using the exceptional position which I have in face of a community of men who know no other business than that of farming, and who have the keenest desire, quite apart from any rigid business motives, for carrying on that business upon my estate, exact the highest possible rent which anyone foolishly or otherwise might be disposed to offer for the farm—without regarding the interest of my possible tenant at all; in other words, a real competition rent and a rent increased by the very circumstances that, by virtue of my ownership of this definite tract of territory, I am in the position of a monopolist. But I do not do that. I make allowance for the circumstances of the tenant and of the holding, not, I am bound to say, wholly in the interest of the tenant, but partly in my own interest. I do not care whether I get the highest nominal rent. What I do want is the highest rent that a fairly competent and skilful farmer, possessing a proper amount of capital, can, taking one year with another, pay without going into the bankruptcy court' (p. 895). and landlord respectively?

"Then, having said this, the landlord, or his agent or valuer, proceeds to determine in advance what the tenant shall be compelled to pay.

Such, without exaggeration, but upon a fair interpretation of the statement of some of the best landlords, is the actual position which they take up. It is perfectly clear that from the position which the existing law, and the existing economic circumstances in Wales, gives the landlord, he occupies a position of a kind so commanding as to be practically coercive as against men of the habit and temper of mind of the average Welsh farmer. When, therefore, landlords and agents came before us to say that their rents were fair, that statement must be interpreted in the light of the actual circumstances, and as meaning that, from the point of view adopted by the landlords, their rents were not the amount which they might possibly under any circumstances be able to wring from the tenants, but that the rents were fair as being something less than they might possibly be able to obtain.

Between the conception of fairness present to the minds of the landlords and the conception of fairness from a strict business point of view, there is a considerable divergence. The evidence discloses, even in regard to an estate belonging to landlords admittedly of generous impulse and just mind, that there is a considerable difference of opinion between them and their tenants as to the fairness of the rents which are exacted and with or without abatements paid from time to time. It is not too much to say that in the opinion, even of farmers oftentimes of the same political opinions as their

landlords, there is a deep seated conviction that the landlord under the existing circumstances obtains too large a share of the profits of an undertaking to which the tenant's capital and labour have contributed as well as the landlord's capital.

Welsh Landowners have hitherto secured an excessive share of the profits of farming.

Putting aside the special circumstances of the Welsh estates, the fact that, on the whole, Welsh agriculture has lagged behind that of the more progressive parts of Great Britain, that the difference between the landlord class and the tenant class is more accentuated because of the absence in the agricultural area of a numerous middle class, we have no doubt whatever that from the time that the existing system of tenancy from year to year became general, there has been good ground for complaining that the profits of this important industry have been unfairly and unevenly divided between the two capitalist classes concerned. We think that the lines of progress, the lines upon which such progress as has taken place in the Principality has gone, have distinctly tended to give the estate owners a larger share of the wealth of the country produced by agricultural operations than the equities of the situation, judged by an average standard, would have permitted (p. 896).

Evil results of the present system: "Sweating,"

But apart from the foregoing definite economic defects of the prevailing system of tenancies in Wales, the Commissioners express the opinion that it also results in one serious evil which is usually and chiefly associated, in the popular mind, with industrial operations, especially in large towns—that is: the evil of "sweating." "The evidence shows that the average Welsh tenant farmer works for unduly long hours, and that, in order to save, in his labour bill, he often presses into his service his own children of tender years, and that they have to devote hours which ought to be allotted to recreation before or after going to school, to the work of the farm. It must be admitted that it was not the tenant farmer himself who complained of the hardship of his lot in this regard, but this is really only in accordance with what was found in regard to other industries. So again, there can be no doubt that the industry is carried on oftentimes under insanitary conditions, and we could not but be struck with the general difficulty felt by the officers of sanitary authorities in fully and properly carrying out the intention and provisions of the Public Health Act, 1875. It appears to us that considerations very similar to those which have led to the necessity of Legislature's interfering to regulate other industries, make it advisable in the public interest to impose rules, or at least undertake legislation for similar purposes in connection with agricultural business."

But, as the Commissioners observe, the tenant farmer did not complain of "sweating" as such. His complaints were directed against other alleged grievances which, upon analysis, fall under the following four heads:— and other grievances already dealt with;

1. Arbitrary fixing of rent;
2. Unreasonable conditions hampering his cultivation of the soil;
3. Insecurity of tenure;
4. Inadequacy of compensation upon a determination of the tenancy.

The evidence as to these alleged grievances has been already dealt with in previous chapters. One observation, in the nature of a re-statement, is here made (p. 897) with reference to a hardship which seems to combine some of the evils of three if not all the grievances in question. the most serious being the variation of the rent of the *sitting* tenant on revaluation

"It is not in regard to rents fixed upon the commencement of a new tenancy that the best founded complaints are made. It is in the case of the variation of the rent of the sitting tenant that, in our judgment, a real and substantial ground of dissatisfaction exists. To understand the extent of the grievance involved in the raising of rent of sitting tenants according to the present method, it is necessary to bear in mind the general condition of Welsh agricultural society, and especially the remarkable duration of the connexion of the same families in particular holdings to which we have drawn pointed attention. Having regard to the history of tenure in Wales, and the comparatively late introduction of the system of tenancy from year to year, and to the fact that formerly the improvements were, in the majority of cases, effected by the work of the present tenants' ancestors, and that commercial ideas are only very imperfectly carried out in the relation of the parties, one can understand the sense of injustice which a Welsh tenant farmer feels at the raising of the rent at the will of the landlord or the agent. The right of raising the rent without appeal gives enormous power to the landlord. It enables him to take advantage of every improvement in the condition of the farm, whether due to the actual tenants' exertions or to those of his predecessors.

The controversy as between the sitting tenant and the landlord usually arises in individual cases in reference to a particular farm, but sometimes, especially after sale or succession, the whole estate is re-valued, and whether in dealing with the whole estate or in dealing with the individual farm, in order to enable the new owner to make the modification which he may desire in the rent, and to obtain good and especially after sales.

prices from intending purchasers, the landlord is, of course, before the sale, bound to determine existing tenancies by giving a notice to quit, and the sitting tenants are thereupon face to face with the question whether they can afford to pay the higher rent demanded or to leave their holdings upon the terms of receiving compensation under the Agricultural Holdings Act, 1883, or under their agreements. Even assuming that no amendments were required in the Act of 1883, it is perfectly clear that the transference of his capital from the particular farm in which it is invested to a new farm, assuming that he is enabled to obtain one, involves a sensible loss of capital to the tenant. The best authorities estimate this loss at not less than 20 per cent. of the tenant's capital. But the grievance is aggravated in Wales by the attachment of tenants to holdings with which they or their families have been long associated, and by the difficulty of obtaining farms in Wales in the existing state of competition upon vacancy. We received an immense amount of evidence in regard to the hardship inflicted upon tenants by the raising of rents at the simple will of the landlord or the agent without any appeal to a third party. It is perfectly clear, as we have pointed out, that the majority of landlords do not, according to their own view, demand anything higher than a fair rent, and they all, practically, disclaim any intention of charging competition rents, that is, the highest money rent which might possibily obtained for the holding. But, as we have explained above, the question of fairness is one of such indefiniteness, as ordinarily expressed, that it admits of the widest possible divergence of opinion. However this may be, there have been numberless instances in Wales during this century in which a tenant has either had to leave his holding or else consent to payment of a rent which, under the circumstances, he deems to be excessive, and in respect of which, according to the present system, no impartial person has intervened between the parties in order to solve the question" (p. 898).

Many of the grievances alluded to occured before the passing of the Agricultural Holdings Act of 1883, and had that Act been in operation at the time or had adequate compensation been claimable under custom or agreement, many of the hardships in question would have been to some extent alleviated.

"But in a large number of instances, both before and after the Act of 1883, improvements of a permanent character had been made by tenants without the written

consent of the landlord, and even if the Act of 1883 had been in operation long before, would have not come within its practical effect."

4.—SUGGESTED REMEDIES FOR THE EXISTING SYSTEM.

The principal suggestions which were made from time to time by various witnesses, for the purpose of remedying the defects of the present system of tenancy fall under three heads, namely :—

1. The gradual creation of a peasant proprietory by means of a Land Purchase Scheme similar to that which has been in operation in Ireland.

2. An amendment of the Agricultural Holdings Act, 1883, with a view to securing ample compensation to the tenant upon the determination of the tenancy.

3. The regulation by Statute of the terms of tenancy through the operation of a court of justice or compulsory arbitration, or, in other words the establishment of a Land Court.

Land Purchase not recommended.

As to the creation of a peasant proprietory, which means the "ending" rather than the "mending" of the present system, the Commissioners are by no means enamoured with it. In fact, they express the opinion that it is by no means suited for a country like Wales. In may be somewhat better than the present state of things under yearly tenancies, so that if the present system be not satisfactorily remedied by giving tenants the right to have their rents fixed by an impartial tribunal and security of tenure—then, "of two evils choose the least." "If the relation of landlord and tenant in Wales is not adjusted in some such way as we recommend below, so as to give the tenant an appeal upon the question of rent to an impartial tribunal and security of tenure upon his holding afforded, we should prefer a peasant proprietary, with whatever ills may result, to the continuance of the existing state of tension, friction, and unhappiness" (p. 899).

and an increase in the numbers of freeholders not to be encouraged.

But the Commissioners are careful to give no encouragement to tenants to buy their freeholds under the ordinary conditions which have generally prevailed, especially in Cardiganshire. "Upon the whole we think that production in a country like Wales, having regard to its climate and the character of its agricultural produce, is best carried on by a system of large estates. From the mere point of view of the producer, we think that the agricultural industry is likely to be carried on more profitably upon a well regulated system

of tenancy than by yeomen proprietors. We could not fail to be struck by the evidence given to us concerning the condition of the existing small freeholders. One and all appeared to be in circumstances of more or less difficulty. This may, of course, have been caused to some extent by their having bought at absurdly high prices. But, making due allowance for this, it seemed pretty clear that, for the kind of farming carried on in Wales, it is better to be a tenant on a good estate than a freeholder carrying on the business upon one's own resources only. Apart from merely economical considerations, we are inclined to think that the multiplication of small agricultural owners is not an advantage in the general interests, and that in the long run it tends to lower the standard of comfort and to oppose obstacles to progress in every direction. The description of the condition of things in rural France given by competent writers goes a long way to confirm the opinion that we have here expressed." What to do for the existing race of freeholders is of course another question and has already been dealt with (p. 333); but it may be gathered from this statement that their gradual re-conversion into tenant farmers on large estates—or their painless extinction as freeholders, by natural processes, is what the Commissioners seem to regard as most desirable—*provided* only, however, that as tenants they are given fair rents and security of tenure on the lines which shall be presently explained.

Necessity for amending the Agricultural Holdings Act universally admitted.

As to the second suggestion for remedying the present system of tenancy—namely, an amendment of the Agricultural Holdings Act of 1883 :—

"Nearly every witness, with experience on the matter, represented that the Act required considerable amendment in many respects."

But there was a divergence of opinion as to the adequacy of such an amendment, if it were entirely confined to making more effective the principles on which the Act is based. Should it be merely an amendment—or should there be an extension of the Act?

"Many witnesses who, on the whole, were on the side of the existing system, admitted that it was open to abuse, and that in the case of a landlord who allowed himself to be swayed entirely by motives of self-interest, the existing law afforded him an opportunity of inflicting considerable injustice upon his tenants, and in effect they alleged that all the grievance, whether actual or imaginary, of the tenants would adequately be met by a measure which would give, on a determination of the tenancy, full compensation for unexhausted improvements" (p. 900).

This attitude is illustrated by a question which was frequently put by the representative of the Landowners' Association (Mr. J. E. Vincent) to witnesses who complained of the confiscation of their improvements.

Many witnesses regarded this as a sufficient remedy without any *extension* of the Act.

Generally it was to the following effect:—"Would not a full measure of compensation for unexhausted improvements meet the difficulty of which you speak?"

The position of those who advocated this limitation for any amending law as to agricultural holdings is thus stated by the Commissioners:—"They postulate an absolute private property in land. They admit that, logically carried out, this involves the theory of the common law that everything permanently annexed to the freehold, and every improvement by a person having a limited interest in the soil becomes, when the relationship between the owner and the person having a limited interest comes to an end, the property of the former. They recognise the substantial injustice of such an arrangement, and they cordially adopt the principle of the Act of 1883. They acquiesce in interference between landlord and tenant to the extent of providing for compensation, if and when the tenancy comes to an end, and the agreement between the parties does not secure the occupier adequate return of the value which his capital and his labour have given to the land, and which has not been exhausted or run out at the time when the relationship ceases. They say —'Really you have in such compensation a solution of the questions which the tenants are raising. No man, unless he denies the right of private property in land, can complain of being turned out of a holding in accordance with the terms of the contract of tenancy, if the law gives him a right to ask for the added value caused by his work and expenditure of his capital, so long as there is no breach of the agreement under which he holds.' To go beyond giving such compensation is, so this class of witness urged, either to deny the right of private property in land, or to interfere to a large and inexpedient extent with freedom of contract between man and man" (p. 900).

But all the Commissioners think a mere amendment of the Act insufficient,

This is not, however, the view which commended itself to the Commission. They do not admit that "any attempt within that limit to regulate the relation of landlord and tenant is an adequate solution of the problems" raised by the evidence; nor do they admit such a private property in land as is involved in the foregoing argument.

But the main objection is this:—"What the argument does not meet is the case of a *sitting tenant* who has not the slightest wish to leave his holding, but every inducement to

remain and carry on his business there, provided he can do so upon fair and reasonable terms. It only deals with the case of a man who, upon receiving notice to quit from his landlord, leaves his farm ; it only affects to regulate the conditions on which an arrangement previously arrived at shall be determined. We are of opinion that nothing short of a legislative regulation of the term of tenancy is adequate, whether we look at it from the point of view of a statesman concerned in the well-being of the whole community, or from the point of view of one who is anxious to secure fair and equitable treatment of the large class of sitting tenant farmers, and to remedy the grievance of the Welsh population who are now farming upon the usual terms of a tenancy from year to year."

and therefore agree as to its extension.

At the same time the Commissioners recognise that the suggestions made for an amendment and a partial extension of the Agricultural Holdings Act, 1883, to the extent to which they apply, are reasonable and will be productive of great benefit to the farming community.

Even if the statutory regulation of tenancy by means of a Land Court (which the Commission recommend later) be not adopted they are willing to admit that half a loaf will be better than none, and that even a limited amendment of the Act, stopping short at compensation, will be a decided improvement on the present state of things. In other words, the Majority have two alternative sets of remedies : one—the less radical—which they agree to adopt with the Minority as better than nothing ; the other—recommending a Land Court—which they sign by themselves.

Accordingly, while denying that any mere amendment of the Act of 1883 is sufficient to meet modern requirements they therefore approach the subject of the modification and improvement of the Act of 1883 in a friendly spirit, and after a careful and detailed examination they make a number of suggestions as to its improvement.

The amendments which are thus suggested were adopted by the *whole* Commission, and we shall therefore not deal further with them here in the midst of our analysis of the Majority Report. At a later stage, however—in the "Summary of the Recommendations"—we shall reproduce in full the actual text of the amendments agreed upon, as signed by all the Commissioners.

Though, as to the actual amendments thus suggested, there is unanimity among the Commissioners, the process of reasoning followed by the Majority differs from that of the Minority. With the view of illustrating the attitude of the

former we shall quote some brief extracts from their remarks as to (1) Substituted Compensation for Improvements, and (2) Compensation for Disturbance.

How far should contracting out be allowed in the form of substituted compensation?

In regard to the former subject, it is observed (p. 904) that "while experience shows that tenants readily accept clauses giving substituted compensation in lieu of compensation under the Agricultural Holdings Act, it must not be assumed from this circumstance that justice is in that way done to the tenant or that the real intention of the Legislature is carried out. As a rule, in bargaining for a vacant farm, the applicants, or a sitting tenant upon a re-valuation or re-arrangement of the terms of tenancy, does not employ a solicitor or have any professional assistance. He troubles himself very little indeed about the form of the written agreement, and the only matter in respect of which he is particular is the amount of the rent. In regard to the agreement, he signs it in many cases, we are persuaded, without any understanding of its legal effect, and in the distinctively Welsh-speaking districts (seeing that the agreements are in English), it will be readily understood that tenants are often wholly ignorant of the precise terms under which they hold. We refer above to the opinion expressed by a very competent and experienced agent, Major Birch, in reference to the value of these complicated agreements, from a landlord's point of view, and his readiness to accept a statutory form of agreement in regard to the points that are or should be essential or common to all agricultural tenancies. This point does not necessarily arise in the consideration of amendments to the Act of 1883, but it is well to bear in mind that if Major Birch's idea were carried out it would be necessary to provide in the statute a kind of common form such as the Act of 1883 affects to give in respect of compensation on determination of the tenancy. It cannot be too often repeated that if legislation of this kind is to be effective it must be drawn, not upon the assumption that a landlord is what he very often is, a generous and fair-minded man, not by any means inclined to insist upon his "pound of flesh, but upon the assumption that he is a person intending to exact the utmost rigour of the bargain. It is against persons of the latter class that Acts like that of 1883 are required, and if the act is not drawn in a manner sufficiently guarding against possible evasion it will fail in effect in precisely those cases in which the tenant most needs the protection of the Legislature."

It is pointed out that there are considerable difficulties as to the interpretation of the clauses in the present Act

permitting substituted compensation. For example, such compensation to be valid, must be "fair and reasonable, having regard to the circumstances existing at the time of making the agreement." But what is "fair and reasonable?" They are vague general terms.

Commissioners lean to the view that it should not be allowed.

"Is sudden increase in prices, for instance, or in the value of the land, to affect the fairness or reasonableness of the compensation? On the whole we must confess that we consider the sections in regard to substituted agreements for compensation, whether specific or fair and reasonable, are not drawn with sufficient clearness, and require amendment, even if we suppose that any future Act will permit the substitution of compensation by agreement for compensation under the Act. We think, after looking at the sort of agreements that have come into use of recent years, and listening to opinions like that of Major Birch, that it would be better in the interest both of landlords and of tenants not to allow any contracting out whatsoever, but to make compensation under the Act the only legal right of the tenant and duty of the landlord."

The leading principle of the Act of 1883, is that a quitting tenant should be compensated for the value of all his unexhausted improvements. But even though the admitted aim of the Legislature in that respect be carried out to the fullest possible extent by means of amendments to the Act, that in itself would be insufficient to meet the case. (p. 907).

Compensation for Disturbance should also be given to a tenant evicted unreasonably.

"In order to put the tenant upon a fair footing on the dissolution of what we regard as a business partnership," the Majority observe, "it is in our judgment necessary to permit the court or the arbitrator to take into account the general circumstances of the case, and to allow as compensation for disturbance, or under some other general head, a sum of money in addition to the exact amount of the compensation, determined properly under the rules of the Act, to the tenant. Evidence given before us, and a larger body of evidence given before the Royal Commission on Agricultural Depression, shows that under the fairest present systems of assessing compensation, whether under the Act or under an agreement, or under custom of the country, the fact of having to take his capital from one farm and to invest it in another, inflicts a substantial loss upon the tenant farmer. Competent witnesses state that as an average it may be calculated that a tenant loses 20 per cent. of his capital by a change of farm. To some extent this loss is, of course, not due to anything unfair in the actual relationship between landlord and tenant

but is the inevitable economic result of transferring the capital from one business to another. But the peculiar character of the agricultural partnership, involving the power of the landlord to send away the tenant without any adequate reason whatsoever in one year, and thus to inflict a pecuniary loss of some 20 per cent. on his working capital, seems to us to impose a very strong, honourable, and moral obligation upon a landlord not lightly to terminate an existing tenancy to the pecuniary prejudice of the tenant. Of course we, who believe that all agricultural tenancies should be completely regulated by law, largely found our demand upon this obligation of the landlords. But without going so far as we are prepared to recommend [that is, a Land Court], we think that to some extent this obligation on the part of the landlords might be enforced, without in the least prejudicing the position of a good and prudent landlord, by providing compensation for disturbance where a notice to quit is given capriciously or without any good cause.

We do not recommend that compensation for disturbance should be given in the case where a tenant has allowed his rent to fall considerably in arrear, or where he has been guilty of breach of covenant, or of waste, or he is of bad character, or in any way undesirable as a tenant."

But not after breach of covenant, &c.

* * * * *

"With the addition of such a clause under which the court or an arbitrator would have the power to look at the whole circumstances of the case in a broad and equitable manner, we think that an Agricultural Holdings Act comprising also the amendment we have suggested, would be an immense advantage in the relation of landlord and tenant. But we repeat that while we regard this as desirable, we do not, under existing circumstances in Wales, think that any amendment of the Act of 1883 upon the lines we have suggested, and simply dealing with the relation of the parties upon the determination of the tenancy, would be an adequate remedy for the grievances and the ills which the evidence discloses" (p. 908.)

But even such an extension of Agricultural Holdings Act would—in the view of the majority be insufficient.

The Majority thus express the opinion that the defects and evils of the present system of tenancy cannot be effectively remedied either by (1) the creation of a peasant proprietary, or (2) by a mere amendment, however thorough of the Agricultural Holdings Act. The other remedy suggested for their consideration was the establishment of a Land Court, or as it is somewhat euphemistically described by the Majority themselves, "the regulation of the agricultural industry" by

a court of justice. It is only with reference to the desirability of a Land Court that the Commissioners have really differed among themselves, and have been divided into a Majority and Minority; should there be a Land Court or not ?—that is the only real issue between them. Owing to the great importance of the answers which each group of Commissioners give to this question, we have thought it desirable to reproduce their remarks under this head without any abbreviation whatsoever, but to facilitate the reader in following their respective arguments we have placed in the margin a brief summary of the points dealt with successively in the text opposite.

CHAPTER XII.

CONCLUSIONS AND RECOMMENDATIONS OF THE MAJORITY.—*(continued.)*

1.—"REGULATION OF THE AGRICULTURAL INDUSTRY," OR THE NECESSITY FOR A LAND COURT (pp. 908-917).

"We have now to ask ourselves the question whether an amendment of the Agricultural Holdings Act, 1883, in the direction indicated by ourselves, and by the three Commissioners who have presented a supplemental report, is really adequate to remove the inconveniences and the grievances of the tenant farming class in Wales. We say "in Wales" because we are prepared to state that the circumstances of agriculture there, both existing and historical, are so special as to require particular treatment by the Legislature. We will not, however, in this section, discuss this question from the merely Welsh standpoint, but approach the problem in a broader manner.

We desire in the first place to point out that it is unnecessary to discuss the abstract question of freedom of contract.

Freedom of contract need not be discussed, State interference as to land tenure being already admitted: its extension therefore only a question of degree.

In regard to nearly every industry carried on upon a large scale, a desire for the well-being of all concerned has induced the Legislature to make, by Act of Parliament, and by the creation of special administrative departments, rules for the regulation of industrial operations and the relations of the different classes engaged in diverse capacities in production—rules especially designed to protect those who are most likely to suffer from the unchecked sway of economic and social forces. The Agricultural Holdings Act, 1883, is itself an obvious interference with freedom of contract, and seeing that those Commissioners who do not wholly agree with our recommendations do not seek to repeal that Act, but are themselves willing to extend its scope, we take it that it must be admitted that it is right and necessary for the State to interfere, to some extent, at least, with the

relations of landowners and the cultivators of the soil. The matter therefore resolves itself into a question of degree. On the one hand it may be asserted that a good Act of Parliament, giving to the tenant, at the expiry of his term, compensation so extensive as to amount to a return of all the capital that the tenant has invested in the business, or sunk upon the holding, meets the equities of the situation as between the parties, and affords a sufficient guarantee for the general well-being of the important farming class. On the other hand it may be contended that it is fundamentally unjust, especially in the case where a tenant has spent the best years of his life upon a holding, or it may be one who belongs to a family connected for centuries with such holding, to leave, even with his whole capital, at so short a notice as one year. As we understand the recommendations in the minority report, to this extent the principle is conceded, and it is admitted that what is in effect a three years' notice to quit is the minimum which the justice of the situation between the parties demands. However, it may be alleged, and it is our opinion, that no Act of Parliament merely dealing with the relation of the parties at the time of the determination of the tenancy is really adequate ; that it is just as important to secure fair play, a proper apportionment of profit and proper conditions of business, between landlord and tenant during the continuation of their relationship, as at its termination. We may put our principle more simply thus: Quite apart from any special circumstances connected with Wales, and apart from the special kind of ills that the Welsh tenants are enduring, or the special grievances which they, owing to circumstances disclosed in our survey, are suffering under the prevailing system of tenure, we think the time has come when the Legislature, following the precedent set in regard to other important industries by the Factory and Workshops Act, by the Truck Acts, and by the Coal Mines Regulation Act and other similar statutes, should undertake the regulation of the agricultural industry.

Factory legislation a precedent for State regulation of the Agricultural industry.

* * * * * *

When the whole circumstances which led to the commencement of modern legislation restricting free competition between employers and employed by such Acts of Parliament as we have above mentioned are considered, it is found that the real necessity for that kind of legislation arose from the fact that competition between one class, smaller in numbers, very intelligent, very active, commanding large amounts of capital, acting together according to common rules, whom

we may group together as the capitalist class, exercised a continually increasing and perpetual pressure upon the class of artisans and labourers who were infinitely larger in number, but whose average intelligence, whose poverty and dependent position, prevented a fair insistence upon their own well-being and interest, and who were not able to change their place of occupation with a reasonable prospect of obtaining a means of subsistence on any easier terms. In fact, the postulates of those who talk about freedom of contract and economic harmonies do not exist except among men gifted with a high degree of energy, intelligence, and knowledge, coupled with an almost total absence of home sentiment or attachment to the places in which they have been born and brought up. This consideration, which has led to the regulation of the industries carried on, since the industrial revolution in England, on large scales, appears to apply not only with the same, but a greater, degree to the agricultural industry. We have seen that neither legally nor economically is the so-called ownership of land the same as the absolute dominion which is possessed over chattels; and this fact itself renders interference on the part of the State with contracts concerning land less liable to the objections urged on the basis of the principle of freedom of contract than in regard to other productive industries. We cannot help here quoting a remark made by the late Professor Cairnes:—

"Sustained" [he says] "by some of the greatest names—I will say by every name of the first rank in political economy, from Turgot and Adam Smith to Mill—I hold that the land of a country presents conditions which separate it economically from the great mass of the other objects of wealth—conditions which, if they do not absolutely, and under all circumstances, impose upon the State the obligation of controlling private enterprise in dealing with land, at least explain why this control is, in certain stages of social progress, indispensable, and why, in fact, it has been constantly put in force whenever public opinion or custom has not been strong enough to do without it. And not merely does economic science, as expounded by its ablest teachers, dispose of *a priori* objections to a policy of intervention with regard to land, it even furnishes principles fitted to inform and guide such a policy in a positive sense. Far from being the irreconcilable foe, it is the natural ally of those who engage in this course, at once justifying the principle of their undertaking, and lending itself as a minister to the elaboration of the constructive design."

Now, applying these principles to the state of Wales as disclosed in the evidence, we find, on the one hand, a small but wealthy class, owning, in some instances, large tracts of the country, and in many instances, considerable areas. We find, on the other hand, a peasantry or farming class, not, for the most part, distantly removed from the agricultural labourer, unfitted by their training, by their habits of mind, and by their want of opportunity, from competing with the

other class, trammelled in all their dealings in reference to their holdings, partly by sentimental considerations, and partly by the economic expense of changing farms and obtaining other holdings, exposed to competition from members of their own class who are seeking farms, in the large majority of cases, speaking habitually a language which makes it difficult for them to seek occupation outside the area of their country, and wholly disinclined to leave the surroundings in which they and their ancestors have been brought up and lived.

It appears to us that the effect of the prevailing system is to place the tenant-farming class completely at the mercy, economically speaking, of the estate-owning class. The insecurity of tenure, the absolute right of the landlord to demand what rent he pleases, the knowledge of the tenant that there are many competitors for every vacant farm, are circumstances which exert continuous pressure upon the tenants, enabling the estate owner to take more than a fair share of the produce of the soil in the form of rent, in the broad sense, and seriously to affect the well-being and happiness from day to day of the cultivators of the soil. We cannot help pointing out that, though the total number of tenant farmers who are actually sitting tenants is not very large in proportion to the total population of Wales, yet it is very large indeed as compared with the number of estate owners; and we cannot yield to any argument founded upon the recognition of some inherent right on the part of estate owners to be treated in a separate or more advantageous manner by legislation. We start in our consideration of the subject from the theory that the well-being of each man, estate owner, or tenant farmer, is equally important to the State, when we are considering the necessity for a reform of of land tenure, and we are entirely unimpressed by the argument advanced from time to time by witnesses before us, that any diminution of the power of the landlord, or the further introduction of legislative interference, would deprive a landlord of a good deal of that social consequence and amenity of life which induce him now to reside upon his estate. We doubt if the argument be, in fact, well founded. But even if it were so important as we regard the existence of a class of leisured and cultured persons in every rural district, and even assuming that legislation, such as we are about to suggest, would result in their disappearance from the country (a result that we do not anticipate), we should feel bound to look rather to the general interests of the whole, and to the happiness of the majority, than to the interests and happiness of the few.

We have pointed out above that, even in regard to England and Wales, there are precedents closely analogous for legislative interference between landlord and tenant. Rightly or wrongly, the Legislature has not only undertaken to regulate industries carried on upon a large scale, but, in regard to this very matter of agricultural tenancy, has relinquished that principle of freedom of contract which we have briefly discussed. The question whether the principle ought to be further enlarged raises, therefore, a question of degree rather than of kind. Furthermore, in regard to Ireland, and in regard to Scotland, circumstances have forced the Legislature to adopt agrarian legislation, going far beyond the scope of the Agricultural Holdings Act of 1883. We must briefly examine the nature of that legislation, and the causes which produced the Irish Land Act of 1881, and the Crofters Act, 1886.

Special precedents in the land legislation of Ireland and Scotland.

First of all, let us ask ourselves to what extent the agrarian circumstances of Wales resemble those formerly existing in Ireland, and in the Scotch crofting areas. With regard to Ireland, we have taken no evidence as to the working of the Irish Land Acts, and we form our opinions from the reports of other Royal Commissions, and from the numerous sources of information which Irish controversy has furnished in abundance. We do not attempt to reproduce a full statement of the condition of Ireland before the Land Act of 1870. Its features are too familiar to those who may be interested in our report to need any general re-production in these pages. The main points were—a great sub-division of holdings, the congestion of population in a backward state of culture upon the land, a landlord class who did not, in the districts most affected, attempt to make any permanent or other improvements upon the land, exorbitant rents, and gross ignorance of the art of farming. It was under these circumstances, and in deference to a long continued agitation, that the legislature of this country attempted to improve the relation of landlord and tenant, and the general condition of affairs in the backward parts of Ireland. The main lines of argument upon which the Act of 1881 was based, appear to have been these.

Ireland: its condition before the Land Acts.

(1) That such buildings and equipment as existed upon most of the holdings, wretched as they were, had been created, not by the capital of the landlord, but by the labour and capital of the tenants.

(2) That the existence of a land hunger of a very acute character, and the survival of the ancient ideas among the cultivators of their rights in the soil, together with an in-

tense attachment to their native land, gave landlords or their agents the opportunity of raising rents to a wholly unjust point; and

(3) That the existence of the evils of the system endangered law and order in the island.

The result of this economic and political agitation was the Land Act of 1881. Within the limits to which the Act applied, and in regard to the holdings it proposed to deal with, it created a statutory tenancy which conferred upon the tenant:

(*a*) The right to have the rent of the holding fixed by a specially constituted land commission.

(*b*) Fixity of tenure in his holding; and

(*c*) The right of freely assigning, with or without consideration, his interest therein.

Its effect is sometimes described as creating a dual ownership, but, in its practical operation, at any rate, it may be more accurately said to have been the conversion of the landlord into a rent-receiver or rent-charger. We need not further describe the Act.

Points of difference between Wales and Ireland

The condition of things in Wales presents some points of resemblance and some points of difference to the condition of things in Ireland before recent legislation. We have said in the earlier part of the Report that the yearly tenancy has not become associated in Wales, as in Ireland and the crofter districts of Scotland, with that sub-division and sub-letting which leads to the congestion of a rural population upon holdings too small to maintain the occupiers. It cannot be contended that in Wales, when we visited it, there were any districts congested or sub-divided to the same extent as such districts existed in Ireland. There are in Wales a very large number of very small agricultural holdings, but the occupiers of those small holdings are generally persons who are carrying on some other occupations than that of farming, or who have been carrying on such occupations, and are living in practical retirement from the normal work of their life, with their children or some of their children, who assist in the maintenance of the whole family living upon the holding by working as labourers or artisans. Nor can it be alleged that the average farm holding in Wales is too small, upon a proper system of tenure and in reasonably prosperous times, to maintain an ordinary family. Any tendency to the creation of a condition of things strictly analogous, in regard to congestion and sub-division, to that of Ireland has been checked during this century by the action of the landlords of the more considerable estates in developing their property and consolidating rather than multiplying the farms upon it.

So far we must point out that a very considerable difference exists between the case of Wales as a whole and the case of those parts of Ireland to which the Act of 1881 was applied. Nor,—save so far as the custom of Glamorganshire and similar customs to some extent existing in other counties, or the operation of the Act of 1883, may be said to create a tenant right,—do we find existing at the present time anything really analogous to the Ulster tenant right which existed in part of the neighbouring island. We found, indeed, some evidence that occasionally, especially in times when agriculture had been prosperous for a series of years, that incoming tenants either paid something to agents or sub-agents, or else that in valuing as between the incoming and the outgoing tenant the amount was fixed, not by a rigid ascertainment of the value of the goods and chattels transferred on a forced sale, but on a liberal scale, so as to include something for goodwill. Transactions of this kind, however, appear not to have been assented to clearly and definitely by many estate owners, and we do not think that at any recent time it has been general throughout the Principality for an incoming tenant to pay anything to an outgoing tenant for goodwill or for the value of the holding.

Points of resemblance between Wales and Ireland.

But though there are these points of difference between the condition of Ireland and the condition of Wales, yet there are many points of resemblance. There is the same land hunger exhibited in almost if not quite as great a degree. There is the same attachment to the native land, and to the pursuit of farming under the same general traditional conditions. There is much of the same divergence in temperament, idiosyncrasy, and habits between the actual cultivators of the soil and the aristocratic class who own the land. There is the same hostility, more veiled, but not less felt, to the agents of the landlord. Religious and social differences between the cultivators and the owners are just as well marked in Wales as they were in Ireland, if, indeed, not more highly developed. There is the same fear among the tenants that they may be ousted from homes to which they are passionately attached. There is the same conviction that the pressure of legal rules and economic circumstances is depriving them unjustly of the fruits of their labour.

Permanent improvements, by whom made

Besides these general points of resemblance, there is the important fact that, when the circumstances of the formation of the holdings are considered broadly and in the light of the past, it cannot be denied that a very large part of the improved value of the land is due to the work and the capital of generations of cultivators who have never received

adequate compensation in respect of what has been done, but who, year after year, have felt that the power of the landlord has enabled him to appropriate without acknowledgment the additional value of the land due to the cultivators' exertions, by arbitrarily raising rent. We have above, with as much accuracy as the facts enabled us, endeavoured to determine the share of the landlord and the tenant in converting the soil of the greater portion of the Principality from a prairie, or natural condition, into an aggregation of more or less equipped agricultural holdings. We content ourselves here with repeating that, although for about 100 years the theory of the larger number of landowners has been that it is their duty, in carrying on the estates, to make the permanent improvements and so forth, it has not in practice been efficiently carried out on many estates and in large parts of the country. In particular we may recall the fact that it is only on very few estates that the landlord affects to do the permanent improvements entirely at his own cost, for the English theory is in some respects departed from, especially in regard to the great burthen of hauling materials.

While, therefore, we cannot say that in Wales, as it appears was the case in Ireland, the greater portion of the buildings and permanent improvements have been made by the existing and previous tenants, we are distinctly of opinion that a very large share of the expenditure of capital and labour with that object that has taken place has been borne by the tenants and not by the landlords. So far, therefore, as the legislation of 1881 is founded upon an equitable claim arising from the expenditure of labour and capital upon the land, the Welsh case must be admitted to be not as strong as that of Ireland ; but still the contribution of the Welsh tenants has been so large that, in considering the expediency of similar legislation for Wales, it cannot be ignored, and affords not the only, yet an additional ground for such an alteration of the law as will give them security of tenure and fair rents.

The case of the Scotch Crofters —how far similar to those of Welsh farmers ?

We must next advert to the case of Scotland. By the Crofters Act, 1886, principles fundamentally similar to those of the Irish Act of 1881 were introduced into that part of the United Kingdom. We have had the benefit of hearing, from divers witnesses, some account of the circumstances under which the Crofters Act was passed, and of the way in which it has been carried out. As we have observed in regard to the Irish cultivators, we have to make the remark that the case of the Scotch crofters is not entirely analogous to that of the Welsh tenant farmers, but that the case of the

tenants dealt with by this Act does present many points of resemblance. In the report of the Crofters Commission of 1884, which preceded the passing of the Act, it is stated :—

'The population belonging to the class of crofters and cottars engaged in agricultural and pastoral pursuits, in addition to the evils attached to an unproductive soil, high elevations, and a variable and boisterous climate, suffer from several causes of indigence, discouragement, and irritation, which are subject to remedial treatment. These may be enumerated as follows: undue contraction of the area of holdings, undue extension of the area of holdings, insecurity of tenure, want of compensation for improvements, high rents, defective communications—many parts of the crofting districts being inadequately supplied with ordinary roads—and such landing-places for boats as might easily be afforded; withdrawal of the soil in connection with the purposes of sport. To these we may add, as contributing in our opinion to the depressed condition of the people, defects in education, which, however, have been largely remedied by the Act of 1872, defects in the machinery of justice, and want of facilities for emigration.'

Many of these observations strike us as applicable to a considerable number of the agricultural holdings of Wales. It is continually sought by apologists of existing systems of land tenure to justify such an Act as the Crofters' Act by the special circumstances of the Scotch case; but when one comes to examine the evidence given before the Crofters' Commission, and carefully reads the evidence given before us by Sheriff Brand, the head of the Court constituted by the Act,* one can see that the ultimate and fundamental grievances of the crofters were the insecurity of their tenure, and the exorbitancy of the rents charged for crofting holdings, while the matter was aggravated by the belief prevalent among the tenants concerned that, "the small tenantry of the Highlands "have an inherited inalienable title to security of tenure in "their possession, while rent and service are duly rendered, "is an impression indigenous to the country, though it has "never been sanctioned by legal recognition, and has been "long repudiated by the action of the proprietor."

We are quite aware that it would be incorrect to identify the agricultural tenantry of Wales with the crofters of Scotland, but it is equally apparent, from the evidence which has been given before us, and from the statistics which we have collected in the First Book of this Report, that there are

* Sheriff Brand's evidence is printed in full in Vol. V., pp. 399—414, of the Minutes of Evidence.

classes of Welsh tenants who, in essential points, hardly differ from the crofter class. There are tenants who are living upon "an unproductive soil" at "high elevations," and who are subject to a "variable and boisterous climate." There are numerous tenants who are suffering from "several causes of indigence, discouragement, and irritation." There are many tenants of small holdings who, like many of the crofters, do not wholly depend upon the agricultural produce of their own holdings for the means of subsistence, but upon the exertions of themselves or of their children in other kinds of work.

Upon the whole, not "on all fours" with the Welsh case, but identical as to chief grievances, viz., insecurity of tenure and exorbitancy of rent.

But, upon the whole, we are bound to admit that the crofter case, in its strict sense, is not upon all fours with the Welsh case; though when every allowance is made for differences, the real evils are practically the same. It is a significant circumstance that when competent witnesses, like Mr. Macrae, and Mr. Sheriff Brand, came to deal with the practical effects of this crofter legislation, the points in which they alleged that it had been most successful in its workings were in regard to the satisfaction produced by affording security of tenure, and the fixing of a fair rent; and the true inference from these observations is that among the crofters of Scotland, as among the tenants of Wales, when stripped of mere accidents, their complaints in substance resolve themselves into the unhappiness and misfortune created by an absolute dependence upon the owner, and the owner's right to exact, at his own will, an arbitrary sum from year to year. Notwithstanding, therefore, that if we look upon the tenant farmers of Wales as a whole, and compare them with the Scotch crofters dealt with by the Act of 1886 as a whole, the astute and critical observer may be able to point to many differences, we are of opinion that there is a substantial similarity between the position of the great bulk of the Welsh tenants of small holdings and the bulk of the crofter tenants of the Highlands of Scotland.

We cannot, in this regard, omit to notice that the passing of this Act, and experience of its operation, have led to a wide agitation in Scotland for an extension of the operation of the Act. For party and political reasons, the official supporters of the Act of 1886 appear to have endeavoured to draw an acute distinction between the crofters of the Highlands (and especially the crofters of the sea-board), and small tenants in other parts of Scotland, economically and in essence not very different. It is probably true to say that it was only the accident that agitation of a natural and justifiable kind having first arisen among crofters or small holders

in the counties of Argyle, Inverness, Ross, and Cromartie, Sutherland, Caithness, and Orkney and Shetland, that really caused the Legislature to differentiate their position from that of small holders in the other counties of Scotland.

This being so, we cannot admit that the mere limitation of the Act of 1886 to a portion of the Scottish area of small holdings can be taken as an admission that the principle of the Act is really applicable only to those who came to be known under the special name of "crofters," and who were concerned in what Sheriff Brand described as a "seething agitation," and which, in the recollection of most of us, produced a state of disorder which almost became one of open rebellion.

Irish and Scotch precedents applicable, in essentials, but not in details to the Welsh case.

We conclude, therefore, from this necessarily brief account of legislation in regard to Scotland and Ireland, that the precedents afforded by the Act of 1881, and the Act of 1886 are, upon the whole, applicable to Wales. We do not assert that the case of Wales as a whole is, on the one hand, on all fours with that of Connaught or Munster, nor, on the other hand, with that of the Highlands of Scotland. We think that there are portions of Wales in which a condition of things remarkably analogous to that of some of the districts of Ireland, and remarkably analogous to that of the Highlands, may be pointed out. But we are content to rest the matter, so far as precedent is concerned, upon the proposition that the case of the Welsh tenants presents circumstances remarkably analogous to both, and that the same fundamental lines of reasoning which led to the Acts of Parliament that we have mentioned are just as applicable to the case of the Welsh tenant farmers considered in the aggregate.

But Precedents in legislation not all-important.

We must not be understood, in the observations we have just made, as unduly relying upon precedent in matters of legislation. It is a mistake to be trammelled by preceding attempts to remedy economic ills and social grievances, and if no Irish Act of 1881, and no Crofter Act of 1886, had ever been passed, we do not think that our views would be materially altered. But at the same time we recognise that something may be learnt from considering the effect of legislation in regard to circumstances more or less similar to those to which a new law is proposed to be applied.

It consequently becomes distinctly relevant, in a fair treatment of the Welsh question, to consider, whether, on the whole, the Acts of Parliament to which we have referred have or have not been successful.

Has the Irish Land Act proved a success?

To ask the question whether the Irish Land Act of 1881, coupled with Acts that have since been passed with the view either to amending its provisions, extending its operation, or modifying in other respects the tenure of land in Ireland, has been successful, is to ask a question which even at the present time must raise a controversy to some extent embittered and acrimonious. We do not affect to have any special qualifications for deciding so important an issue, but availing ourselves of information which is at the hand of every competent observer, we have no hesitation in saying that upon the whole it is the land legislation of the last few years that has done most to restore content and prosperity to the sister island. We understand that, as judged by the prices obtained for the sales of estates, either as a whole or by lots, the value of land has risen in Ireland during the last 20 years. Numerous indications suggest that the condition of the Irish peasantry is far better than it was in the year 1880. The value of individual holdings cultivated during the last 14 years under the provisions of the Act of 1881 has distinctly risen. The general condition of the country, looked at from the point of view of the practical administrator, has undoubtedly improved. Agrarian crimes, rife enough, unfortunately, during the period of agitation and during the former tenure, have become practically unknown. A portion of the United Kingdom, which, up to the date of the operation of this Act, was in a state of continual agitation, verging upon insurrection, has, under the quiet and continual operation of the courts constituted by that Act, become to all appearances as peaceful and calm as any parts of the Empire.

Its results.

Not the least remarkable phenomena leading us to this conclusion have been the facts connected with the Home Rule movement. The agrarian demands of the majority of the Irish people have, for many years, been coupled with a demand for a national or local autonomy, and, even after the passing of the Act of 1881, this demand was persistently pressed in a remarkable manner by the Parliamentary representatives and other leaders of the Irish people; though this demand secured the approbation in 1892 of a large majority of the electors of the United Kingdom, yet it failed to secure realization in consequence of the action of the House of Lords, and in the year 1895 was condemned by the verdict of the constituencies. This result has been received, not indeed with any marked modification of opinion in Ireland, but without any of the traditional symptoms of Irish discontent.

These circumstances afford, to our minds, a very conclusive proof of the immense benefit and of the great success of modern agrarian legislation in regard to that long misgoverned country. Without, therefore, prolonging this report, or further arguing the matter, we content ourselves by asserting, whatever views may be urged to the contrary in regard to matters of detail, that the Act of 1881 has been eminently successful.

Results of the Crofters Act.

Nor, when we come to consider the case of Scotland, can any real attack be made upon the beneficent operation of the Act of 1886. We will not, in considering this matter, rely upon the evidence of Donald Macrae,* or of Mr. Malcom, who speak mainly to its defects and the necessity of its extension, but who bore ready tribute to the soundness of its essential principles, for they must be looked upon rather in the light of advocates than of judges. But we were greatly impressed by the evidence of Mr. Sheriff Brand, the Chief Judge of the Court or Commission appointed to carry out its provisions. We have carefully considered the valuable evidence which he was good enough to give us, and the effect left upon our minds is that, whatever the imperfections of the Act, considered from the point of view of the tenant or from that of the landlord, its practical operation has been to restore peace and a considerable degree of prosperity where before discontent and misery were the prominent features of society. We cannot forbear mentioning, as having a distinct relevance to the condition of things in Wales, his statement in regard to the positive and direct results of the Act:—

1.—Security of tenure its chief moral and legal benefit.

'The most important of these is security of tenure. In other words, a crofting tenant, who possesses under the Act from year to year, cannot be removed from his holding so long as he complies with the statutory conditions enacted in section 1 of the Act. The principal of these are that he pays his rent at the terms at which it is due and payable, that he does not execute any deed purporting to assign his tenancy, that he does not injure the holding by the delapidation of buildings or by the deterioration of the soil, and that he does not, without the consent of the landlord in writing, sub-divide his holding or sub-let the same or any part thereof, or erect or suffer to be erected any dwelling-house otherwise than in substitution for those already upon the holding at the passing of the Act.

This security of tenure I regard as a great moral and legal benefit, as it has not only imbued the crofter community over the greater part of the crofting area with a sense of independence, but has greatly encouraged him in the matter of improving his holding, both by the erection of a better dwelling-house and by better steading, but by more careful cultivation of the arable land he had, and the more willing reclamation of some part of his outrun.

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* Mr. Macrae, whose evidence is given in Vol. V., p. 270 and 523, was Secretary to the Highland Land Law Reform Association, while Mr. Malcolm (see Vol. V., 511), was Secretary to the Highland Property Association.—D.Ll.T.

It has been said that this matter of security of tenure is of less importance than is sometimes supposed, because on many estates the crofters had practically security of tenure from their landlords, and, no doubt, many landlords can point to the fact that for long periods of years prior to 1886 evictions were almost unknown, and, where they did occur, could be amply justified. While I am not concerned to dispute this statement, I have to explain that, nevertheless, even on these estates, there was a constant sense of insecurity of tenure; indeed, the ordinary and normal mode of bringing a crofter to book for some real or supposed shortcoming on his part, either in the matter of rent or otherwise, was to serve him with a notice of removal; and, when such eviction was carried out, anyone who was evicted from one estate was in a sense branded, and experienced great difficulty in getting a holding on another estate.'

After explaining the general improvement consequent upon the Act with regard to dealings in reference to the general agricultural management of the holdings, including drains, fences, and roads, Mr. Sheriff Brand went on to remark that the system of fair rents, judicially fixed after hearing both parties, and making careful inspection of the holdings, has been of great benefit. He pointed out that—

2.—Fair Rents judicially fixed.

'Within the last 30 years many Highland estates have changed hands, and between 1865 and 1880 these estates were sold at high prices, and under reference to rent-rolls wherein crofters' rents appeared at a considerable figure. But, unfortunately, some of the purchasers, not satiffied with the rents stated in these rent-rolls, proceeded to raise the rents, in some cases even to double the rents. The effects of this step on the minds of the crofters may readily be conceived. It led to great bitterness of feeling and great dislike to the newcomer. It led, in short, to the intolerable state of matters which culminated in the Act of 1886, the true remedy being that which the Act introduced, of having a rent fixed, after full inquiry, which should be fair to both parties.'

We find, therefore, that the two points which a Commissioner, who discharges most onerous and delicate duties with the aid of able colleagues, points out as being most efficacious in the operation of the Act of 1886, are its operation in giving security of tenure to the tenants and in fixing a fair rent.

The Crofting districts *before* and *after* the Act: "a seething agitation."

Under these circumstances, in order to appreciate the immense benefit conferred upon this distinctively Celtic part of Scotland by the Act of 1886, we must ask ourselves what was the condition of things before and after the passing of the Act. According to Sheriff Brand, whose words may be unhesitatingly accepted as presenting a true picture, uncoloured by the disturbing effect of actual participation in political controversy :—

'In 1882 and 1883, and possibly in some quarters at an earlier date, seething agitation prevailed, with a considerable tendency in some districts, at least, to open and defiant breaches of the law. So alarming, indeed, did matters appear to the authorities at the time that expedition after expedition of police, or of military and police combined, were sent to various parts of the crofting area. Thus a large force of policemen from Glasgow were drafted to Skye in 1882, and took part in a demonstration which was called at the time 'the battle of the Braes,' the Braes

being a locality in which several crofting townships are situated. Subsequently a body of marines and police marched through Kilmuir and Glendale, in Skye, and at different times troopships and gunboats, as well as the passenger steamer 'Lochiel,' which was made into a sort of floating police office, cruised around the shores of the island. Indeed, if I mistake not, a considerable number of marines took up their abode in Skye for the whole or greater part of the winter. As showing the intensity and bitterness of feeling which prevailed throughout almost all classes of the community in certain districts I may mention this fact, that for a considerable time all official telegraphic messages, as to the movements of the military or police force, were despatched in Foreign Office cypher, and during the first stages of our proceedings we, in official communications, used the same cypher.'

He mentioned other facts of a similar kind, and then went on to say that :—

'These various movements did not stop the agitation, nor stamp out the discontent. They did not produce any more friendly feeling between crofters and landlords, and I very much doubt if they led to any general paying up of rent or arrears. After the Act of 1886 began to be carried out, the scene gradually changed, the crofters crowded anxiously to the Courts of the Commission, waited patiently upon the proceedings of the Commissioners, and lay before them in all their fulness the complaints they had to make and the grievances of which they sought redress. Most of the evidence tendered and allowed bore more or less upon the two main questions at issue—namely, what ought to be the fair rent of a particular holding and how should the arrears standing against a crofter occupant be dealt with? Tranquility, combined with an abiding belief that justice would be done, by degrees took the place of the discontent and agitation which previously prevailed. That tranquility has since continued without interruption over the whole crofting area, and warships and marines, or police from the Lowlands, are no longer required. The people live in harmony with each other, and, as a rule, with the landowners, and are law-abiding and law-observing.'

Has given place to an undisturbed tranquility.

The effect left upon our minds by the unchallenged evidence of Sheriff Brand, and by the facts, which from sources of information open to all, we have obtained, led us to conclude that the Crofters Act of 1886 has been entirely successful in attaining the object of the Legislature.

Putting the case of Ireland and the case of Scotland together, and asking ourselves what were the essential grievances under which they laboured, we believe that the ultimate grievances were the insecurity of tenure and the exorbitancy of rents. As we have not only from an economic, but from a strictly practical point of view, pointed out, they are inherent in the existing system of tenancy from year to year. Though the manifestations of discontent among the Welsh tenantry, or for the matter of that, among the English tenantry, may be less accentuated and less rebellious, yet the same ills are not less felt, and whatever criticisms may be directed against the attempt to bring the case of the Welsh tenants into the same class as the cases of Ireland and Scotland, we feel that, when the matter is probed to the bottom, there is a substantial similarity between the conditions of each case.

Welsh agitation hitherto conducted on constitutional lines.

We cannot help noticing that the Act of 1881 for Ireland and the Act of 1886 for Scotland were both the results of an agitation in some respects revolutionary or unlawful. We are, of course, also aware, and it is a matter of satisfaction to us to be able to report to that effect, that the demand put forward by the Welsh tenants is not made in the midst of turmoil or of insurrectionary movement. The utmost that has been alleged throughout our inquiry by any landlord is that there is considerable violence of language on the public platform and in the public press, and that emissaries, paid or not, are endeavouring to stir up strife between landlord and tenant, and that the existence of this Commission itself is due to party agitation. No one has come forward to say that the tenants are not law-abiding upon the whole, and that they are not content to rest the enforcement of their just demands upon the use of constitutional means. This does not seem to us to be an argument against, but one for, a modification of the existing law.

"*PROPOSED LEGISLATION*," *OR THE CONSTITUTION OF THE LAND COURT* (*pp. 917-924*).

Difference between Irish Act of 1881 and Crofters Act 1886.

There is a considerable difference between the Irish Act of 1881 and the Crofters Act, 1886. The former was designed to, and in fact does, confer on the tenant what are known as the three F's—fair rent, fixity of tenure, and free sale. The Crofters Act of 1886 has a much more limited application in the area to which it applies. It only affects to deal with the tenancies that existed when the Act came into operation. In regard to those tenancies it provides for the fixing of a fair rent and giving fixity of tenure as long as the conditions

As to principles.

of tenancy as defined by the Act are observed. It does not confer upon the tenant the right of freely selling or assigning his tenancy, but confines all alienation to bequest by will or by act, *inter vivos*, to a class of persons who may be called near relations.

As to Machinery.

There is, too, considerable difference in the machinery provided for carrying out the intention of the Legislature. In Ireland a court possessing the powers of the High Court of Justice, acting in accordance with the rules with which jurisdiction is exercised in the ordinary courts of law, is created, and a very large number of officers, principal and subordinate, are appointed to discharge the various functions incident to the application of the Act. We need not go into details in regard to the matter. They are easily accessible by reference

to the Act itself, or to text-books on the law connected with it. The machinery of the Crofters Act is much more simple. It creates a commission with full power to determine fair rents and all questions in dispute between the landlord and crofter coming within the scope of the Act. The commission is not limited in its mode of action by many of the formalities of a court of justice. The initial process and the subsequent stages of procedure are simple and easily intelligible. The commission does not deliver its judgment accompanied by a statement of reasons, as is usual in a court of justice. The commission has no executive authority and cannot enforce its own decrees, but the execution of the judgment is entrusted to the hands of other judicial and executive officers. It is obvious from these considerations that the Irish Act may be looked upon as a permanent Act, and as creating a permanent organization, while the Crofters Act will cease to apply if and when all the tenancies to which it is applied gradually, from some cause or another, cease to exist.

A Welsh Act required to secure fair rents and security of tenure.

It has been necessary to state this much in order to understand the detailed questions that we have had to consider with reference to proposed legislation, analogous in character, for Welsh tenancies. For the reasons that we have discussed above, inadequately but as exhaustively as we can without unduly extending our report, we have to come to the opinion that an Act of Parliament conferring a right upon the tenants to have fair rents fixed, and so constructed as to secure them fixity of tenure, is required, both from motives of general expediency and by the equities arising under the circumstances that exist in Wales. It is not, of course, within our power to draft a Bill, and if we attempted to do so we should become involved in details that are not vital to the principles which we recommend. The Bills which have been brought into the House of Commons, as appears in our historical retrospect of the land question in Wales,* are attempts to carry out the principle which we recommend, and it may be that they are adequate for securing the objects we have in view. In our judgment, however, they do not by any means cover the whole ground, and are capable of much important revision both from the point of view of the landlord and from the point of view of the tenant, if the general principle of further interference by legislation between landlord and tenant is conceded.

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* Namely the Bills of Mr. Bryn Roberts, M.P., and of Mr. Thomas Ellis, M.P., respectively.—D.Ll.T.

We think, therefore, that it is well for us to state in some greater detail what should be the leading principles of such a Bill as we would think is required for Wales.

The right of applying to a court of justice for the fixing of a fair rent—being the essence of the proposed Bill.

The essence of the legislation we propose is the right of a party to a contract of tenancy to have the power of applying to a court of justice for the fixing of a fair rent.

The first question, therefore, that we have to discuss is what is the nature of the court, either to be specially created or utilized for the purpose of carrying out the Act. The whole working of the Act will obviously depend upon the ability and general efficiency of the court. The efficiency of the court will largely depend upon considerations of the capacity of the judges or other officers, the simplicity of the procedure, and the lowness of its fees.

Two courses may be taken: either a new organization similar to the Irish Land Court, or a commission similar to that of the Crofters' Act, may be created on the one hand, or else the county courts which have jurisdiction over the area of our inquiry may be utilized for the purpose.

County Court should be utilised for the purpose.

We have considered this question, and, having regard to considerations of public economy, and to the general interests of the parties, we have come to the conclusion that the requirements of Wales would be best met by utilizing the county courts. The principal reason which leads us to this conclusion is the great facility which is given by the existing county court machinery in the service of summonses, in the subpœnaing of witnesses, the serving of all kinds of notices, and in regard to the execution of judgments. Fifty years' experience has made the county court one of the best devised and equipped organizations in the country, and it would be impossible to create any fresh organization which would be superior in its plan or in its working to the existing system. The county court has its offices in districts of moderate size, situate as a rule at convenient centres which are easily accessible from all parts of the district, and the positions of which are well known to all persons residing in the district. Furthermore, its fees for commencing proceedings and for hearing are, on the whole, reasonable, and its fees for service of process are remarkably low.

It would be quite impossible, without serious loss to the Treasury, to create a new land court system which would do the work at anything like the same expense to the parties, and even if the scale of fees in matters coming within the proposed Act were made lower than the fees now chargeable, the result would probably be no loss to the Treasury at all. No doubt the imposition of this fresh jurisdiction upon the

county court would, if tenants largely availed themselves of the Bill, add a considerable burden to the work of each rural county court. But a very slight addition to the existing subordinate staff would probably meet any fresh demands upon the powers of the court.

We are strongly opposed, for many reasons, to the duplication of judicial organizations, and think it would be extremely wasteful to provide in rural districts two sets of judicial offices, two sets of registrars or clerks, and two sets of bailiffs. Consequently we think that it should be a principle of the proposed Bill to utilize the machinery of the county courts.

An Agricultural Judge should be appointed for each Circuit, to finally decide all questions of fact.

So far we have been adverting to the procedural part, or machinery, of the court, and we have now to ask ourselves whether the duties devolving upon the court in agricultural matters could be entrusted to the judges of county courts, or whether, if they were entrusted, they could be reasonably asked to perform them without unduly adding to their judicial labours. We think that it would not be possible for the judges to exercise jurisdiction under the Act themselves, without imposing undue strain upon them, and running the risk of damaging the efficiency of the courts in regard to their ordinary business.

But appeal allowed on questions of law to County Court Judge sitting with Agricultural Judge,

We think, therefore, that it would be necessary to appoint on each county court circuit one or more agricultural judges, the sphere of whose jurisdiction should be limited to cases coming under the Act, but who, in the exercise of such jurisdiction, should have all the powers of the county court judge. If this plan were adopted, we think that the decision of the agricultural judge should be final in regard to questions of fact, but that in regard to questions of law there should be an appeal to the county court judge, or the county court judge sitting with the agricultural judge, or judges of the circuit.

Who should be an expert in agriculture,

As to the qualifications of an agricultural judge, the principal question that arises is whether the office should be tenable only by lawyers, or only by laymen skilled in agricultural matters, or whether he should be required to be a barrister or solicitor who is also an expert in land-valuing, farming, and cognate matters. Upon the whole, we think that an agricultural judge should not necessarily be required to be a barrister or a solicitor, but that the preliminary qualification for the office should be the possession of a sound, practical knowledge of farming obtained either by actual experience in the art, or by practice as a land agent and valuer, but, at the same time, we recognise that if, in addition

to this knowledge, a candidate also had legal knowledge and training, it would be a distinct advantage. We think it unnecessary to go into further detail upon this matter or to deal with the mode of appointment, or the amount of remuneration of the agricultural judges.

Should, as a rule, personally inspect the holdings,

With regard to the general method of exercising jurisdiction, we think that the agricultural judge should proceed, in the main, upon the traditional or prescribed lines of an ordinary court, but that, of course, in discharging his functions, he should habitually—in all cases where it is necessary, or he may be required to do so—visit and inspect the holding personally, and that more latitude in unessential matters should be permitted than in the exercise of the ordinary jurisdiction of the court, with a view to avoiding prolixity on the part of the parties, or their agents and advocates, and undue lengthening of the proceedings.

And in giving judgment, should state his reasons.

There is one other matter in connexion with the court to which we think it right to refer. It has been pointed out that under the Crofters Act the practice of Sheriff Brand and the other Commissioners has been, after listening to the parties, to fix a fair rent without publicly stating the reasoning by which they arrive at the particular amount, and it is observable that the Crofters Act, 1886, lays down no definition of what a fair rent is, nor as to the way in which it is arrived at. It leaves the question entirely to the Commission. The Duke of Argyll, in his evidence before us, complained of this method of deciding cases, and asserted that neither the Irish Land Commission, nor the Scotch Commission was really a judicial court at all, because it did not administer a known code of law, and that in his opinion, "People ought to know the principles on which their property is assessed." We are of opinion that there is justice in this complaint, and that, even if the proposed Bill were to lay down no rules for estimating fair rent, we think that the agricultural judge should state the reasons for his decision in such a way as to enable landlord and tenant alike to understand its grounds, and the principles upon which he has proceeded. But, as will appear below, we go further. We think that the decision of what is a fair rent ought not to be left to the mere judicial discretion, however impartial, and however competent, of an individual judge, but that the Legislature itself ought to lay down the broad principles upon which the court should proceed in deciding whether a particular rent is or is not fair.

Assuming, then, that a competent tribunal for the decision of disputes within the Act is provided, we have next

to consider the question, what shall be its jurisdiction as between landlord and tenant, and how and under what circumstances it shall become vested with power to decide such controversies. And here we have to ask ourselves whether the proposed Bill should be limited in its operation to the cases of existing tenancies, or whether it shall apply to tenancies which may be created after the Act comes into force. We have come to the conclusion, as might have been expected from our view of regulating the agricultural industry, that the Act should be permanent and apply to future as well as existing tenancies.

Act to apply to future as well as existing tenancies, but not compulsorily.

The next point that arises for consideration is whether the Act should be compulsorily applied to all agricultural holdings coming within its scope as a matter of course, or whether the Act should only be brought into play upon the application either of the tenant alone, or upon the application of the landlord or the tenant.

Unless applications be made to the Court by either landlord or tenant,

In regard to the first branch of this question, we are of opinion that there is such variation between the circumstances existing in different parts of the area of our inquiry that we think it unnecessary and inexpedient to make the Act applicable in every case whether the parties want it applied or not. We think it quite possible that, in regard to some holdings, the tenant himself would not think it necessary to take proceedings, and that in other cases the knowledge which the landlord would possess, that if he did not treat his tenant reasonably the latter might at any moment bring his case before the court, would act as a check upon capricious conduct.

Upon the other branch of the question, whether the landlord should have an equal right with the tenant to initiate proceedings, we unhesitatingly determine that he ought to have the opportunity of bringing the circumstances of the holding before the court, if for any reason he think it would be expedient to take that course.

Who should have an equal right of initiating proceedings.

Another point of a very essential character is the definition of the agricultural holding to which the Act is to apply. The definition of "agricultural holding" for the purposes of the Act presents little difficulty, so far as the character of the land and its appurtenances are concerned. It should apply to every holding that is "either wholly agricultural, or wholly pastoral, or in part agricultural, and as to the residue pastoral, or in whole, or in part cultivated as a market garden." These are the words of the Act of 1883 (s. 54), and they appear to us to be fairly clear in their interpretation. The matter of difficulty is the determination of the extent of the

Definition of "Agricultural holding" to which Act should apply.

holding to which the proposed Bill should apply. The words we have just adopted from the Agricultural Holdings Act of 1883 are so wide as to include the smallest market garden and the smallest allotment land for spade industry. We do not think that any proposed Bill for Wales should apply to very small holdings, but that it should be limited to holdings of such a size as in normal seasons, and under ordinary circumstances, would absorb the whole time of the tenant, and enable him to maintain himself and his family out of the proceeds of the farming industry. It is extremely difficult to fix a limit without doing some injustice or creating some inconvenience on the one side or the other. If the margin is placed too high, it is quite possible that the Act may be largely evaded by the sub-division of the holdings; if it is placed to low, it is introducing principles which, for the reasons we have mentioned above, we think ought to be applied as to real farms to holdings which, though nominally agricultural in character, are so small, that the industry is carried on upon such a scale as hardly to amount to a business. While we do not attach any vital importance to the precise acreage, we think that the limit of size of the holdings to which the Act is to apply should be fixed at not more than 20 acres, nor less than 10. So much for the class of holdings to which we propose the Bill should apply.

In regard to the holdings to which the proposed Act is to apply, we recommend that every tenant occupying such a holding at the time the Act comes into operation, or at any time thereafter, and the landlord, or any future landlord of the same holding, shall have the right to apply to the court constituted by the Act to have the rent of the holding fixed for a certain period, and to have reasonable conditions of tenancy settled by the court. Upon such application, whether made at the instance of the landlord or made at the instance of the tenant, it should be the duty of the court to fix a fair rent and to determine whether the existing conditions, or any proposed conditions of tenancy, are reasonable, and to settle the same between the parties.

Five years—the period for which the rent should be fixed.

Another point which, in regard to this part of the Bill, we have had to consider has been the question: for how long a period the rent ought to be fixed? Various terms occurred to us in the course of our discussions. Three, five, seven and 14 years were suggested. We are of opinion that 14 years is too long a term, and three years too short. The problem is to determine what number of years' operations that may be regarded, taking one year with another and one season with another, to be a sufficient and convenient time for taking an

account of the profit or loss of the undertaking. If the conditions of the market were, on the whole, constant, or at any rate not subject to any considerable fluctuations, there would be no harm in fixing the rent for a considerable number of years: but, in the existing condition of the British markets, fluctuations in prices are both very frequent and very great. Accordingly the right to readjustment of rent, once the principle is conceded, ought to be one enforceable at reasonably close intervals. We need not elaborate the arguments for and against a particular number of years, but may content ourselves with stating, that, having given the matter our careful consideration, and bearing in mind the necessity of avoiding expense, we think five years would probably be found the most convenient period in practice, while it would not entail any substantial injustice, under any circumstances, either to the landlord or to the tenant.

Principles to guide judge in fixing a "fair rent."

The next matter in this connexion that we have discussed has been the question whether the courts should be directed, in determining a fair rent, to observe certain definite principles laid down in the Act, or whether there should be no attempt to define "fair rent," and the court should have power to determine what is, in the particular case, a fair rent according to its judicial discretion.

The Irish Act of 1881 lays down no complete rules or methods for determining a "fair rent." The only instructions of a definite kind are set forth in section 8 of the Act, and they direct the Court to have regard to the interest of the landlord and the tenant respectively, and not to allow any rent in respect of improvements made by the tenant for which he has not been paid or otherwise compensated by the landlord. The Scotch Act of 1886 gives no definition of a fair rent. We do not think it right to give the Court an uncontrolled discretion in the matter, and think that some leading principles should be laid down for its guidance. The consideration of the true business-like account between landlord and tenant, an analysis of which in a hypothetical case we have given above, clears the way for arriving at certain principles upon which the court may be directed to proceed, not necessarily as excluding the application of other elements in the problem, but as principles which in all cases it shall, in the first instance, be bound to attend to.

The first principle which should be laid down is, that the Court should separate the value of the land, in its improved condition, from its value in its unimproved condition, *i.e.*, its "prairie" value; next it should distinguish between the value of the land of the holding and that of the

buildings—an operation that would be greatly facilitated by the calculations made for the purpose of applying the Agricultural Rating Act, 1896. The value of the landlord's capital expended (*a*) on the buildings and (*b*) on the land (*e.g.*, for gates and fences, reclamation, drainage, &c.) should be assessed. On the other hand, the value of the improvements made by the tenant or his predecessor should be ascertained. The producing capacity of the farm in the hands of a reasonably skilful tenant should be estimated as well as the probable movements of prices of the principal kinds of produce. In endeavouring to arrive at the possible profits, the account of the operations should be properly made up and the division of the estimated profits should be made upon a fair basis, having regard to the respective risks of the parties. The leading principle to be followed by the Court in fixing the rent upon the basis of these data should be the separation of the value of the land from the value of the capital. The value (if any) of the land considered as unimproved, that is, of "the inherent capacity of the soil," should be deemed a first charge, and payable by the tenant, quite apart from the calculation of possible profit produced by the joint operation of landlord's and tenant's capital or the question of interest thereupon. If full wages of superintendence are allowed in making the account, care should be taken that the annual value of the farmhouse as a residence should be allowed to the landlord, but, of course, in that case the capital value of the farmhouse would have to be deducted from the landlord's capital in the division of profits.

We think that a clause embodying the suggestions we have just made (or similar principles) should be inserted in the proposed Act, as directions to the court, but at the same time we would give a certain latitude in their application. We recognise that a "fair" rent cannot be determined with mathematical precision by reference solely to a set of rules formulated in an Act of Parliament without reference to other elements in the question. Allowance must be made by a Judge for the special character, circumstances, and history of the holding. What we desire to emphasise is that the Judge should arrive at his decision not in an arbitrary or capricious manner, however conscientiously so far as his intention is concerned, but in a rational and business-like way (for which proper reasons can be given) from ascertained data connected with the holding and the business carried on upon it.

We may here incidentally mention that in the case of every holding coming before the court particulars relating

to the holding in considerable detail should be inserted in a book to be kept at the court for future reference, and that the determination of the court with regard to the amount of rent should be entered therein, together with a concise statement of the reasons given by the agricultural judge for his estimation of the amount. The creation of such a tenant's holding book was suggested in a Bill which was discussed in Parliament during the current session, and appears to us to be an admirable suggestion that might be carried out without unduly adding to the cost of proceedings under the Act.

Each court to have a 'tenants' holding book" for scheduling particulars.

We pass now to another branch of the proposed jurisdiction to regulate the agricultural industry. We think that either landlord or tenant ought to have the power to apply to the court to fix reasonable conditions of tenancy. If, for instance, a tenant thinks that the clauses of the agreement under which he holds are unjust or injurious, he ought, in our judgment, to have the right of appealing to the court. The agricultural judge, in dealing with this matter, should be allowed considerable latitude of discretion, and should be especially directed to consider the characteristics of the particular holding, and the district in which it is situate, and the kind of farming which can be most profitably carried on.

Court may also settle reasonable conditions of tenancy.

So far we have only dealt with the fixing of fair rent and fair conditions of tenancy, but it will be obvious that no provisions of the kind suggested would be really operative, unless security of tenure is given to the tenant, because, if the matter were left at this point, the landlord,—the moment after the court had given its decision,—might serve a notice to quit upon the tenant. Accordingly, in order to make the proposal practically efficacious, it must contain a proviso that no notice to quit given by a landlord to his tenant shall be of any avail so long as the tenant pays his rent and complies with the conditions of his agreement, or with the reasonable conditions of the tenancy as determined by the court. This brings us to consider the question whether the legislation should be one-sided in the sense that the landlord should be thus bound, but the tenant be at liberty to throw up his holding upon giving one year's notice to quit, or such notice to quit as is provided for by his agreement. In the actual condition of things in Wales, and so long as competition for farms continues, no substantial injustice would probably be involved to the landlord in such an unequal arrangement, because if a tenant does give up his holding, no difficulty appears to be felt in any part of Wales in obtaining a fairly good tenant. But this consideration does not seem to us to justify departing from principles of strict justice between the

Tenancy not determinable by either party except on non-compliance with such conditions.

parties in the proposed legislation, and we recommend that no notice to quit given by a tenant who has applied to the court, and whose rent has been judicially fixed, or the conditions of whose tenancy have been determined by the court, should be operative unless the landlord without good cause, in the opinion of the court, refuses to make permanent improvements as defined by the Agricultural Holdings Act, 1883, or any amending Act, within a reasonable time, or he does not consent to the tenant's making such improvements.

The effect of such provisions as we now suggest would be to create, in the cases dealt with by the Act, a statutory or judicial tenancy binding upon both parties, and only dissoluble by mutual consent, or by notice to quit given on the conditions above-mentioned or by death of the tenant, leaving no member of his family as defined by the Act competent to take his place.

Unrestricted Assignation of tenancy or "Free Sale" of goodwill by occupier condemned.

The next question, in considering the principles of the proposed Bill, that we have had to consider, is the question to what extent, if any, the tenant ought to have the right to assign his tenancy? We may say at once that we do not think it is just or expedient to give a tenant the absolute right of assigning his holding. To do so would be, in effect —supposing that the value of the land should rise—to give him a share in the ownership of the land, to the pecuniary detriment of the landlord. According to the view that we take, if a tenant wishes to give up his holding, and the landlord consents, he would leave upon the terms of receiving compensation for unexhausted improvements under the Agricultural Holdings Act, 1883, or any similar Act. If the landlord does not consent to his quitting the holding, we think the tenant ought to have the right, on conditions to which we will advert directly, to assign to a third person approved by the landlord or by the court.

The difficulty of the matter consists in this, that if a court fixes the rent of a particular holding for five years, and the prosperity of the country should increase and the price of agricultural produce go up, or for some other reason the value of the holding should, before the period of five years has elapsed, greatly increase, it is obvious that something could, upon assignment, be obtained from an incoming tenant for the improved value of the holding as compared with its value at the time the rent was fixed. Now, we think that such improved value, so far, of course, as it is not due to the mere expenditure of tenant's capital ought not to find its way into the pocket of the tenant as it would assuredly do if he has a free and unfettered right of assignment. On the other hand, it seems practically inexpedient, from many

points of view, to compel a man to continue farming after he wishes to retire, and when there is another competent and respectable person ready to take his place upon the holding. To permit unlimited alienation would be an injustice to the landlord; to forbid all alienation, except by consent of the landlord, would be a public inconvenience and a private misfortune.

But the occupier should be permitted to assign his holding during the term, provided the assignee be unobjectionable as tenant.

We have, accordingly, endeavoured to devise means by which the value of the tenant-right, or the value of the good-will or improved value of the land (or by whatever name the price which an incoming tenant would be willing to pay for the residue of a judicial tenancy may be called), shall find its way into the hands of the landlord, without, at the same time, fairly free and easy assignment being prevented. The method which we suggest for the attainment of this end is the following:—

If the tenant should desire to assign his holding he should be at liberty to give notice to that effect to his landlord. If the landlord, by a counter notice, signifies his dissent from the proposed assignment, the tenant shall be entitled to give up possession at the end of the then current year of the tenancy, if the proposed assignee or new tenant is a person of good character, of competent skill, and with sufficient capital for the holding. The landlord shall then be bound to pay compensation for unexhausted improvements according to the Agricultural Holdings Act, 1883, or any amending Act. If the landlord does not give a counter notice, the tenant may assign his holding, provided that the assignee is a person of good character, of competent skill, and with sufficient capital. In such case the landlord shall not have the right to refuse the proposed new tenant unless he is not of good character, of competent skill, and of sufficient capital. If any dispute arises upon these points the court shall have power to determine whether the proposed assignee is or is not a fit person.

The practical application of such a method would be this:—If we suppose that the judicial rent of a tenancy is fixed, say on September 29, 1897, and two years afterwards, in September, 1899, the tenant wished to retire, he would serve a notice upon the landlord signifying his intention to assign to A.B. If prices had gone up, if the general value of farms had risen, seeing that the judicial rent would have still three years time of operation, it would manifestly be to the interest of the incoming tenant to pay something by way of bonus for the holding. It would not matter to him whether it goes to the landlord or to the tenant. The landlord's position, therefore, would be this:—If he did not care whether

the old tenant went or not, he would, before giving any counter notice, approach the intending tenant, and say that he would accept him if he would pay some reasonable sum. If, on the other hand, the value of the holding has fallen, it cannot matter to the landlord whether the tenant remains or whether a new tenant comes in, provided the latter is a fit and proper person. It appears to us that the adoption of some such method for dealing with assignments as we have now suggested would practically check the creation of any right to goodwill, or improved value, to the detriment of the landlord.

With regard to cases of assignment upon death, we recommend the insertion of provisions to much the same effect as those contained in the Crofters Act, 1886.

Court may, on application authorise landlord to resume possession for reasonable purposes, *e.g.*, improvements.

In discussing the general lines of such a Bill for the creation of a judicial tenancy as we propose, one of the difficulties that naturally occurred to us was that its effect would be to stereotype the existing holdings, and create considerable difficulty in regard to improving and developing estates, and, it may be, the general progress of the district. We think, however, that any evils that may arise from this fact may be overcome by making suitable provisions for the resumption of possession of part of a holding by the landlord for some good cause. In every case to which the Act applies, we would give the landlord a right to apply to the court for retaking possession of a part of a holding for some reasonable purpose, *e.g.*, the erection of labourers' cottages, the providing of gardens, allotments, planting trees, the working of coal or other minerals, the making of watercourse, the making of roads, sanitary works, and so forth. The court would, upon such application re-adjust the incidents of the tenancy by making a proper abatement from the rent, and, if necessary, modifying the conditions of the tenancy.

We have now dealt with the principal matters that carrying the principle of legislative interference further in the concerns of agricultural industry seem to raise, except one, viz., whether the proposed Bill should apply to tenants from year to year only, or to tenants who hold, or may hold, on lease for a term of years. It might be urged, on the one hand, that it is quite inexpedient to apply the Act to leaseholders for considerable terms, because in such case security of tenure, which is one of the objects intended to be secured by the proposed legislation, is provided by the voluntary action of the parties themselves.

No doubt this circumstance is a formidable argument against the application of the Act to the leaseholders for any term which is longer than the period for which judicial rents

are fixed. But on the other hand a lease at a fixed annual rental does not any more than a tenancy from year to year necessarily imply that in the changing circumstances of the agricultural business the rental is in any particular year fair. In the case of a very long lease, it may frequently happen that in some years, or one series of years, the rent may be unfair to the tenant, and, in another year or series of years, unfair to the landlord. So that it is only, at any rate, one of the objects which we propose to attain that is met by the leasehold system While we are bound to admit that there is very considerable difference in the relation of landlord and tenant under a lease for a considerable period of years, and the relation of landlord and tenant under a tenancy from year to year—especially in the case where the tenant covenants to repair the buildingsand to do permanent improvements—we think that many of the broader considerations upon which we base a claim to the proposed legislation, apply with as much weight in the case of persons farming under agricultural leases for considerable terms, as in the case of the ordinary tenant farmer. According to the best conclusion we can form from the evidence, there are comparatively few leaseholders of purely agricultural land in Wales. The question, therefore, so far as it affects existing leases (*id est*, the question whether the landlord or tenant of a holding demised for a term, say of 14 or 21 years) is not a very large one, or one that would affect any considerable number of persons. We are inclined, therefore, to draw a distinction between the case of leaseholds existing at the time of the proposed Acts coming into operation, and leases made thereafter.

Case of leases differs somewhat from that of yearly tenancies.

Let us consider for a moment the position of things after such a measure as we have suggested has come into play. The landlord, the owner of a considerable estate, will be face to face, in all probability, with applications to the court from some of his tenants, and he will then ask himself the question whether he cannot arrange to give them security of tenure by freely offering them leases for considerable terms of years. Most of the tenants, we are inclined to think, would not entertain such proposals, because the rent question is quite as important as the question of their security of tenure. But supposing that a landlord should be able to arrive at an agreement with the tenants, and the parties are willing to enter into a lease for, say, 14 years, at a particular rent and on certain covenants—ought such an arrangement to be permitted, or ought the tenant or the landlord who has made such an agreement to have a right to go to the court just as he would in the case of an ordinary yearly tenancy,

and ask for a determination of fair rent and reasonable conditions? Should the land court, proposed to be constituted, have the power, in other words, to set aside the leases made after the Act upon the application of either party? The matter is certainly not an easy one to solve. On the whole we are inclined to think that the interests of the community at large, and the interests of the landlords as well as those of the tenants combine to show, that it is expedient to discourage a leasehold system and to insist upon the judicial system of tenure. Accordingly, upon the whole, we have come to the conclusion that it would be well to give every landlord and every tenant (whatever the terms of the tenancy, whether yearly or leasehold created after the passing of the Act) a right of coming to the court to have the tenancy placed upon the judicial and statutory basis.

Nevertheless, Act should be similarly applicable to all forms of tenancies.

But, on the other hand, it need not be assumed that in every case there should be actual litigation or actual controversy between the parties, even if both or either wish to secure the characteristic advantages of the judicial tenancy; and we think that provision should be made in the proposed Act for those cases in which a landlord and a tenant agree upon what shall be the amount of rent for the statutory period, and upon reasonable conditions of tenancy, and where they do so there should be a registration of the agreement in the tenant's holding book, to which we have just referred, as if the court had pronounced a judgment on the matter, and with the effect that the entry in the tenant's holding book should place both the parties in the same position in regard to the particular holding as if the court had determined the rent and the reasonable conditions.

If the parties, privately or by arbitration, settle conditions, such settlement may be registered in the tenant's holding book, and should have the same binding effect as a judgment of the Court.

So also, if the parties prefer to refer the determination of a fair rent and reasonable conditions to an arbitrator, we suggest that his award should be registered and have the effect of a judgment for the statutory period.

Lastly, we have to point out as a result of our discussion of the application of these new principles, that in order to make the Act really operative, every agreement inconsistent in the whole, or in part, with the tenour of the Act, ought to be made null and void."

But no "contracting-out" should be permitted.

(*Signed*) CARRINGTON.
DAVID BRYNMOR JONES.
JOHN RHYS.
JOHN MORGAN GRIFFITHS.
EDWIN GROVE.
RICHARD JONES.

CHAPTER XIII.

SEPARATE REPORT.*

(Pages 933-946).

"WE have been anxious, as far as we honestly could, to agree with our colleagues in the Report of the facts which have come before the Commission and in the general inferences to be drawn from them. And with that view we have signed the first part of the Report as a painstaking endeavour to place on record a broad view of the conditions under which land is held and cultivated in Wales. There may be parts of the Report as to which, in our view, undue regard may have been paid to statements of those naturally under political bias, and undue prominence given to matters more or less the subject from time to time of political agitation. We have regretted the frequent introduction of personal matters by reference to individual cases by name. However carefully a short statement of facts often imperfectly disclosed in the evidence may be drawn, it is impossible to avoid the danger of not fully representing aspects of the case which to the individual may be of personal importance as more or less implying moral blame; and we should deeply regret if in the statement of these cases in the Report any unjust moral aspersion should have been unintentionally cast upon any individual, whether landlord or tenant. With these reservations as regards this part of the Report we have not thought it needful to withhold our general concurrence.

General reservations.

* To avoid confusion, this Report, which is signed by a minority of the Commissioners (namely, Lord Kenyon, Sir J. T. D. Llewelyn and Mr. F. Seebohm) has been referred to in this Digest as the Minority Report, though it is not so called by its signatories. Nor is it, in fact, a dissentient Report in the sense in which "Minority Reports" usually are, inasmuch as it embodies all the recommendations of the Majority except that in favour of the establishment of a Land Court. The process of reasoning is different, but the conclusions, with the one exception mentioned, are identical, as will be more clearly seen from the "Summary of recommendations" printed at the end of this book.

D. Ll. T.

The case is somewhat different when that part of the Report is reached which deals with "conclusions and recommendations."

With regard to these unanimity could hardly be expected. There must arise differences of opinion resulting from variety in the point of view from which the same facts are regarded and in the economic and political principles applied to the solution of social problems.

We do not wish to exaggerate the amount of difference. We are in general agreement with our colleagues as regards the greater part of the conclusions and suggestions detailed in Book 2 as far as the chapter "On the prevailing System of Agricultural Tenure." As to the rest, whilst heartily endorsing the suggestions for the amendment of the Agricultural Holdings Act and approving the sections which deal with the "Occupying Freeholders" (*see* p. 333 above), "Labourers" (p. 339 above), "The Law of Distress" (pp. 192-4 above), "The Game Laws" (pp. 190-1 above), "Commons and the Woods and Forests Department" (pp. 317 and 329), we cannot agree with those sections of the Report which, in our opinion, lead up to the creation of a judicial tenancy and the constitution of a land court.

Freedom of Contract not lightly to be abandoned.

We candidly confess that we approach the subject with a strong leaning towards freedom of contract rather than judicial interference between landlord and tenant. After all, the working of economic laws and the foundation of civil society must largely rest upon a general faith in human nature and the assumption that men are in general capable of making their own bargains. It is not thought necessary to take out of the sphere of free contract every class of commercial or social transactions in which grievances arise from ignorance or inability or other defects of human nature.

It is generally found better to leave human beings to learn by experience how to fight their own battles and gather strength in the process, rather than to permanently enervate them by an attempt to guard them like children from the results of their own actions.

Nature of the Welsh problem.

Having said this at the outset we proceed to make the following observations.

Smallness and family character of Welsh farms.

Notwithstanding the conclusion arrived at after careful examination of the historical evidence that since the time of Queen Elizabeth the tendency towards large estates on the one hand, and towards year-to-year tenancy on the other hand, has been very similar in Wales and in England, we are fully sensible that there may nevertheless be economic differences between the agricultural problems of the two countries requiring careful consideration.

There can be no doubt that owing to geographical and physical as well as historical causes there are great differences.

One main difference lies in the size and character of the farms.

Nothing can perhaps more clearly bring before us the facts as regards this point than the comparison made at pages 148-9 of the Report [*see* pp. 154-7 of this work] of the average number of labourers employed on the farms. The figures of the census of 1861 were quoted as showing that whilst the average number of labourers to each occupier of land in the various counties of England varied from about ten in the eastern to five in the western counties, in Wales the number did not exceed one and a half to two labourers to each farm. Hence we have to deal with a multitude of small farms, and the peasant or family character of these farms was very clearly shown by the number of cases in which they were carried on by widows and also by the household character of the labour employed upon them, the farmers' families and the labourers boarded by the farmers doing about two-thirds of the labour in Wales instead of about one-third as in England.

The counties most resembling Wales in these respects are Cumberland and Westmoreland, where again the character of the country and the prevalance of pasture over arable bring the farms most nearly to Welsh conditions.

Elements in the Irish problem absent from the Welsh.

These general peculiarities of the Welsh farms must obviously be always borne in mind, but it is no less necessary to bear in mind also the differences, on the other hand, between Welsh and Irish conditions. Happily, in Wales there is (except in a very few districts) almost an entire absence of the practice, so prevalent in Ireland, of throwing upon the tenant the building and repairing of the buildings. As a general rule, both the buildings and the larger repairs fall upon the landlord, and hence one main element in the Irish problem is absent from the Welsh problem; and, further, the landlord's control has happily in Wales almost entirely prevented that sub-division of holdings which, in the congested districts of Ireland and in the case of the Scotch crofters, has led to so much chronic suffering. Speaking generally, there are no congested districts in Wales. The recognition of these differences seems to us to be essential to any true understanding of the Welsh problem.

Furthermore, there are differences in Wales itself between one district and another of an essential character. There are all stages of difference between the secluded sheep

farm on the mountains and farming in the populous mining and manufacturing districts, where land has become what is generally known as "accommodation land" and the once agricultural farm often acquires the character of a country home occupied by a family engaged more or less in other and more lucrative pursuits than farming and farm labour.

The family holding the prevalent type.

Recurring, however, to what may be described as the most general type of Welsh farms, their peasant or family character is their most prominent feature.

In the fact that so much of the labour on this class of Welsh farm is done by the farmer, his unmarried brothers, and sons, it is quite possible that there may be something in the nature of a survival from the tribal custom or instinct of family as contrasted with individual holding. But, if it be so, the tribal instinct does not seem to go much further than the family holding. The instinct of jealous competition for farms, arising from land hunger, of which we have had often repeated evidence, seems to have obliterated any survival of the wider tribal feeling, whilst the personal and family clinging to a family occupation on the same or a neighbouring estate remains very strong.

Large Estates with hundreds of tenants, under year to year tenancy, but often continuing for generations.

The largeness of many of the Welsh estates, measured by the number of the farms they contain, presents another great difference between the agricultural economy of Wales and of England.

On an estate with many hundreds of tenants, most of them comparatively small, and many of them very small, the relation between landlord and tenant cannot be precisely the same as in the case of an ordinary English estate composed of a comparatively small number of large farms. There must needs be a greater gulf in circumstances, in education, and in habits, between the landowner and his more numerous tenants in Wales than in England.

On the other hand, it becomes necessary in the nature of things that large estates, with numerous tenants, should be managed as regards most things under general rules and recognised customs applying to all tenants alike rather than on the principle of special agreements framed to meet the various views of individual tenants.

Prevalence of Estate rules and customs in the main beneficial.

Thus, in one sense, the range within which freedom of contract can be exercised is narrowed, whilst the tenant is compensated in part by the increased protection of rules and customs generally representing the results of long experience. An incoming tenant has to accept the rules of the estate in lump whatever they may be. He exercises his choice between the advantages secured by the substantially beneficent

uniformity of a large estate and the possibility of making the best particular bargain he can in the exercise of a less restricted freedom of contract with the owner of a small one.

Some of the advantages of the well-managed large estate are occasionally secured by several smaller ones being put under the management of a single agent who may be the agent also of larger ones, and in all cases the necessity for some amount of uniformity fixed by custom or public authority is recognised by law, particularly as regards the rights of the outgoing and incoming tenant and compensation for improvements. No doubt on the side both of landlord and tenant this limitation of the area of freedom of action by custom and general rules, as well as by law, is acknowledged to be beneficial in its action. And certainly the evidence given would not lead to the conclusion that on the whole the tenants of the larger estates are placed by it in a less advantageous position than those on the smaller ones.

Difficulties in the relation of Landlord and Tenant.

Complaints have come before us from both classes of estates of the undue exercise of the landlord's power in particular cases, and they have sometimes been brought forward apparently in support of a preconceived theory that apart from the necessary gulf in circumstances already alluded to, there must needs be a certain clashing of interests between landlord and tenant arising from differences in race, language, politics, and religion. In regard to many of these instances rebutting evidence has been given, but cases no doubt have occurred in the past of notices to quit given apparently on political and religious grounds, especially after hotly contested elections. And resting on this unfortunate foundation of fact, rightly or wrongly, there has no doubt arisen in the minds of tenants in some districts what is probably an exaggerated suspicion of improper motive whenever a vacancy in a farm has been filled by a tenant who may happen to be of the landlord's own way of thinking in religion or politics.

The action of landlords is naturally very jealously watched under these circumstances: and the repetition of isolated cases of individual hardship or suspicion, seldom of recent date, and viewed sometimes without regard to the proportion they bear to the total number of tenants, may easily produce an exaggerated impression on the mind of the extent to which even in the past the power of landlords has been improperly used.

Hence conclusions drawn solely from the examination of individual and exceptional cases of hardship or wrong

would be very likely to mislead. To arrive at a correct judgment it is obviously needful carefully to consider from a wider point of view what are after all the main facts of the position.

Notwithstanding the number of cases of grievance brought forward, almost universal testimony has been borne to the fact of general experience that, to a very remarkable extent, the families of tenants have remained on the estates for generations.

Grievances complained of in individual cases felt all the more because exceptional.

Even the cases of exceptional grievance often afford, from this point of view, strong corroborative evidence of what has been the general rule. The point most acutely felt in the hardship complained of in individual cases brought before the Commission, often, and perhaps generally has been, that owing to some recent difficulty, a tenant has been obliged to quit the holding which his family had occupied for generations.

The Welsh case, viewed as a whole, is certainly not one of any general or wholesale severance of the Welsh people or of ancient tenants from the land by the wrong use of power on the part of landlords. Making due allowance for the above-mentioned cases of grievance, perhaps it would be difficult to find any other equal area in the United Kingdom where there had been less severance of the old families of owners and occupiers from the land. And this remarkable general result has been attained notwithstanding all the alleged difference in race, religion, and politics on which so much stress has been laid.

It must be borne in mind, also, that, so far as the abuse of political influence is concerned, tenants have now the protection of the ballot as well as of an ever growing public opinion.

This general view is so far dwelt upon, not for the purpose of minimising the gravity of the cases of grievance which must be judged on their own merits, but as having a very pertinent bearing upon the practical question how the causes or occasions of future grievances can best be lessened or eliminated. A system which has on the whole worked beneficially as regards the great mass of tenants, and which has produced good general results, whilst not free from certain defects, has to be considered from the point of view of correction and reform rather than radical destruction, and it becomes in such a case a grave point to be considered whether the substitution of a radically new system of judicial and State control, though honestly aiming at the prevention of the wrongs to which the present system may be liable,

would after all secure the same general beneficent results which the old one founded on long experience and custom has secured, and, if perfected, might secure still more fully in the future.

The actual and exceptional continuance of the same families in the same holdings or other improved holdings on the same estates is largely the result of sentiment and tradition, on the side of both landlord and tenant. And it does not at all follow that a hard and fast statutory tenancy, or even peasant proprietorship, would have resulted in the past in securing anything like the same permanence of occupation as the present system has secured, or that it would equally well promote the same result in the future.

Tenant protected from the evils of land hunger by the true interests of the Landlord under good Estate rules.

There is another point which the evidence brought before us has very forcibly emphasised. Following true principles of political economy, and in the pursuance of their own interests, backed no doubt by sentiment and tradition, and regard for the well-being of their tenants, the landlords of Wales as a whole have protected the tenants very generally from the burden and ruin which would otherwise have long ago resulted from extreme competition rents. Land hunger, added to the scarcity of farms to let, owing to the practically permanent occupation of families from generation to generation, has resulted in great competition for any vacant farm, and it has been given in evidence that, owing to the number of applicants ready to outbid one another, quite exorbitant rents are offered, so that landlords if they chose to take the highest bidder for a farm, could very greatly add to the rent. On well managed estates, when a farm has been to let, a relative of the old tenant, or an old tenant on the estate wishing for a larger farm, has been generally preferred to outsiders, and even when an outsider has been chosen it has been the man judged most likely to make the best tenant, and not the highest bidder who has been very generally chosen. Agents have repeatedly explained that in such cases they are doing what is best for the estate as well as for the tenants, inasmuch as it is in the long run not the interest of the landlord to take a tenant at a rent on which he cannot live and succeed on his farm.

Rents in general have been living rents, rather than rack rents

So that whilst it may be true that individual cases of rack-renting may have taken place, and that rents have not followed the fall in prices as fully or as quickly as tenants would have desired, yet the general tenour of the evidence has made it quite evident that as a general rule, and apart from the present depression in prices the rents for a great number of years have been on well managed estates what it

is the fashion to call "living" rents and not competition ones. In fact the amount of the rent of a farm on a well managed estate is based upon the experience of landlord and tenants spread over a long period of years.

There is yet another point in which the present system, whatever its defects, has acted beneficially.

Besides the tenant farmers, and sons and other relatives of the farmers waiting to succeed to the family holdings, there are labourers watching for opportunity to get into farms.

Chance afforded to labourers to rise into farmers

We have had it in evidence again and again and from different quarters that a large proportion of the many indoor labourers are young unmarried men, hiring themselves at the statute fairs from year to year to the farmers, living in the farmer's house or in some loft in the farm premises, sitting down to meals with the farmer's family, and, besides lodging and keep, receiving wages varying from £15 to £20 by the year. Now this class of labourers can easily lay by in the course of ten or fifteen years enough capital to take a little farm, should such become vacant. Many instances of this have been given in evidence. Again and again have we had before us also the complaint of farmers that their own sons at home are not getting the same wages and have not the same opportunity of getting farms for themselves as the labourers.

From a national point of view and as a principle of social policy, too great stress can hardly be laid upon the advantage possessed by the Welsh agricultural labourer in thus having, at his feet, the lower rungs of the ladder by which, with prudence and foresight, economy and self-denial, he may rise from a labourer into the occupier of a farm.

It is obvious on consideration that the maintenance of this important ladder is very largely dependent upon the continued prevalence of the year-to-year tenancy. For had the labourer to purchase a holding, or the tenant right of a holding, in addition to finding the capital for its working, he not only would have to wait much longer before he could have saved the required capital to obtain possession of a holding, but also when he did so he would come into possession under a competition rent and with but a small chance of making a living, and still smaller chance of further ascending the ladder by saving additional capital enough to embrace any opportunity of removal to a larger farm.

These considerations of general policy on the side of the tenants and labourers afford very weighty reasons for the

greatest caution in entertaining proposals on altogether new lines which, however plausible at first sight as affording a royal road out of present difficulties, might if adopted do more general harm than particular good.

The radical proposals made for change in land tenure.

There are two lines upon which radical* proposals of changes in land tenure naturally move, viz., those followed in the case of Irish tenants and in the case of the Scotch crofters.

The Irish "three F's" *Free sale* recognised as no true cure for land hunger.

We have already stated that the case of the Irish tenant differs altogether from that of the Welsh tenant, in the essestial point that in Wales as a general rule the cost of buildings and of additions and improvements, and even the repair of them, falls upon the landlord. Still, even in Wales, the existence of what is called "land hunger," *i.e.*, the excessive competition for farms, is no doubt sufficient in itself to create a value in the right to the occupation of a farm if the right of occupation were made saleable at law. But although from time to time suggestions for the introduction of the principles of Irish legislation, commonly known as "the three F's," have been made here and there by witnesses who had caught up a political cry, but who when questioned evidently did not understand the words "free sale" in the Irish sense, it is believed that no prevalent desire has been shown on the part of Welsh tenants generally, or of their responsible leaders, to promote the introduction into Wales of what in Ireland is meant by *free sale*. We regard this important fact as the keystone of the whole position, and we are glad to recognise that our colleagues are at one with us upon it.

Although at first sight the conferring on the sitting tenant of the right to sell his tenant-right and goodwill, in addition to his tillages and improvements, to the highest bidder, might seem to be a boon to the sitting tenant, it seems to be generally recognised in Wales that it would involve the capitalisation as it were of the effects of land hunger for the benefit of the sitting tenant alone, and result permanently in the rack-renting of all future tenants. If every fresh tenant had to buy the goodwill of the tenancy in the open market at a competition price from the outgoing tenant, he would lose all the advantage which he now possesses of entry into a farm at a rent which is (in intention

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* It is scarcely necessary to say that the word "radical" as used here and elsewhere in this Report has no political significance whatsoever, but is used in the sense of "fundamental," or, more literally, anything going to the very *root* of the subject referred to.

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and apart from the results of recent depression in prices, very largely in practice) generally allowed to be a "living rent" andnot a competition one.

The injustice to the landlord in the recognition of the right of free sale is equally obvious, for it would force his hand and oblige him against his own interests to accept tenants who had paid a competition price for the tenancy, and were likely to be too heavily handicapped to be successful and satisfactory tenants. The Irish example has in fact been an object-lesson. The problem of land hunger in Ireland has been solved by giving the whole advantage of it to the sitting tenant at the expense of all future tenants, and there appears to be a wholesome jealousy in Wales against the adoption of so one-sided, and in the long run—from a national point of view—disadvantageous and disastrous a remedy for present evils.

The status of the Welsh farmer—quite different from that of the Scotch crofter.

The other legislative precedent—that of the Crofter Commission—appears to be much more in favour. But here again, except in the common point of the existence of land hunger, the difference between the crofter's case and that of the Welsh tenant is too radical to admit of there being much force in the precedent. (1.) The crofter is a small farmer with a rent under £30 and generally with other employment besides the cultivation of his farm. (2.) The crofters are usually in townships where nearly all are of one class. There is a gulf between them and the large farmer. (3.) Owing to the sub-division of holdings population had become injuriously congested.

There is no question of placing all the farmers of Scotland under the Crofter's Acts. Their provisions are limited to defined areas and only apply to present tenants, and these are treated as an exceptional class; and they are exceptionally treated in the hope that with increased intelligence and enterprise they may ultimately rise into a position of greater independence and no longer need special treatment.

To reduce the mass of Welsh farmers into the status of the Scotch crofter would be to degrade them into a status much inferior to their own.

The ground being thus cleared of those two modern political and legislative precedents, as not applicable to the conditions of the Welsh case and as affording no royal road out of existing difficulties, except by the creation of much greater ones, we return to the consideration, on their own merits, of the practical points of difficulty in Wales, with a view to forming a judgment as to how they could best be met, under all the circumstances of the case.

It has already been admitted that the one point in common between the Irish, the Scotch. and the Welsh difficulties is that of the existence of land hunger.

Let us analyse the Welsh land hunger. In what does it consist ? Analysis of Welsh land hunger.

It is admitted on all hands that the lot of the Welsh farmer is not too favoured, that his standard of comfort is not too high, that it involves his constant labour and that of his family through life. Why, under these circumstances, is there the land hunger from outside? Why is there the jealous craving to attain what seems to the tenant himself a lot sufficiently hard, but which seems to outsiders an exceptionally favoured one ?

Something may be put down to sentiment, the clinging to a family farm which has passed from father to son, and the occupation of which only one son can inherit. It does not seem to be merely a blind attachment to the home of ancestors or of childhood, because it has been pointed out that there is no indisposition to move from a small farm into a larger or better one, but it no doubt embodies the natural preference of a pastoral or agricultural people for the occupation of their fathers, and for the continuance of an occupation in which a farmer's sons have been brought up from infancy.

If there were no other occupation providing a living for the sons of farmers, this would probably be a sufficient explanation of land hunger; but no legislation could satisfy it. Everything which tended to secure the tenant farmer in his holding would foster and increase it, and nothing would perhaps foster it so much as the abolition of rent altogether and the promotion of absolute and uncontrolled ownership. Irish and Scotch experience would suggest that special legislative control would have to be substituted for that of the landlord to prevent the sub-division and sub-letting of holdings which unchecked land hunger promotes and the consequent evils which need not be dwelt upon.

There are obviously absolute reasons in the constitution of things why, as the world is now constituted, it is impossible for all the sons of farmers in any country to follow that occupation. As the standard of comfort rises higher and higher in the world at large, a smaller and smaller proportion of the population can be occupied in agriculture, and a larger and larger proportion must be occupied in supplying the other wants of mankind. The proportion of population engaged in farming must be limited.

Wales itself is a notable example of this. A single instance will suffice. The population of Glamorganshire and Monmouthshire alone has increased owing to their great

industries till it embraces more than half the population of Wales, although only one-sixth in area of the whole; and many other districts have their mines and quarries. The proximity of other industries has sometimes been brought before us as one of the causes of land hunger and the competition for farms. The farmer who seeks to get a living out of his farms complains that competitors who have other occupations and get their living in other ways can afford to pay higher rents than the farmer who is dependent for his living solely on his farm. This is obviously inevitable in populous districts, and one of the natural economic results which must be left to find their natural level. The prosperity of a district cannot be restricted for the supposed benefit of an exceptional class, and the farmer has his compensation in nearer markets and greater demand for his produce, as well as in the greater opportunities and chances of success in life placed within reach of himself or his sons.

Advantage has already been taken of these commercial and industrial opportunities, and besides this it is an interesting fact that already the professional classes in Wales—religious, literary, medical and legal—have been very largely recruited by the sons of Welsh tenant farmers.

Land hunger only to be met by increased intelligence and enterprise.

With increasing enterprise, intelligence and education —and no part of the United Kingdom is more alive to the diffusion of educational facilities than Wales—the natural process of transfer to other trades or other countries where labour and skill are wanted ought to drain off the surplus pressure of agricultural population which produces land hunger. Probably it will do so more and more in the future.

The most instructive analogy on this point is, perhaps, supplied by the dales of Yorkshire and Lancashire. In the course of this century these dales have been drained of their surplus agricultural population to feed the great industries which have risen up in the large towns of those counties. The prosperity resulting has been the fruit of energy and enterprise, and readiness to take advantage of opportunities and openings in other occupations than farming.

Wales may, indeed, have some special hindrance in its local language preventing this outflow to other occupations and countries. No one can help observing in Wales how great an obstacle the ignorance of any but the local language must be. It may be measured by the help the fact of common language has been to English emigration to the United States and the Colonies. But great numbers of Welshmen have overcome this obstacle, and with growing intelligence it will probably more and more vanish.

The cure for land hunger, therefore, appears to be something quite other than legislation expressly intended to satisfy it. A healthy tonic in increased education and everything which ministers to intelligence, self-reliance, and enterprise would seem to be the only way out of it.

And so in this connection it may also be observed that the sentimental difficulties between landlord and tenant arising from differences in religion and language are not to be met by any change in land tenure. The remedy lies rather in the rapidly increasing means of education, in the gradual working of county and parish councils, in the rubbing of classes together, and, perhaps, even in the habits of independent thought and action provided by competition between rival churches and sects, although the full benefit will hardly be realised till that competition shall have eventually arrived at the stage of mutual regard and tolerance.

Under year to year tenancies, the losses from Agricultural depression have been in part shared between the landlord and tenant perhaps as quickly as under any other system.

Turning attention to the more strictly economic and practical question of the actual grievances complained of in connection with the present prevalence of year-to-year tenancy in Wales, there is, first, the question brought home by the depression in agriculture, and the complaint that rents have not been reduced adequately or fast enough to meet the altered circumstances and diminished prices of agricultural produce.

The question is a pertinent one whether under any other system than that of year-to-year tenancy rents would have been reduced more quickly.

Under a system of judicial rents fixed every 15 or 10 or 7 or even 5 years, a fall of prices, unless happening just before the close of one of the periods, would not result in an immediate adjustment of rent. Had a five years term commenced five years ago, the farmers must have waited long before the time for reduction came. English experience during the recent depression has shown that whilst year-to-year tenants have generally received large voluntary abatements, the cases of greatest hardship have been those of farmers with unexpired leases under the Court of Chancery or under trusts and settlements where the dispensing power was not easily exercised and solvent tenants must almost of necessity be held to their bargain and the letter of their leases. The greatest cause of loss and sometimes of ruin has been the absence of the power to throw up a farm before the tenant's capital has all been lost.

A judicial term would have the disadvantage of a lease.

So, again, under a system of peasant proprietorship, especially when the tenants have recently purchased their farms by money borrowed on mortgage, the whole brunt of

reduced prices and of bad seasons must fall on the owner, without help from anyone else. The disastrous condition of large numbers of such purchasers especially in Cardiganshire has been the subject of special mention in the General Report.

The annual loss comes upon the owner in such a case at the same time that the margin in value after the amount of his mortgage has so far diminished as to make the mortgagee anxious about the security of his loan and all the more exacting in demanding the punctual payment of his interest.

Thus it appears that on the whole with all its faults the present system of year-to-year tenancy even during the present period of depression, if it has not acted with sufficient rapidity to meet the needs of the tenants, has to some extent at least secured in Wales as in England a sharing between landlord and tenant of the loss which inevitably must fall on someone.

Statistics were adduced before the Commission was appointed, with the purpose of showing that Welsh landlords had not made equally liberal reductions or abatements as those of English landlords. It is obvious that in a wheat-growing country larger reductions have been needful than in more pastoral districts like Wales, and the true comparison between Wales and the most similar districts of England does not in our view show the wide difference on which Mr. Gladstone's historical speech was founded.*

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* The most reliable evidence of the fall in the value of land is admitted to be that of the income tax assessments. The following comparison of analogous counties seems to us to be more to the point than any average which treats Monmouth, Glamorganshire, and Cardiganshire as equally important items.

Percentage of Decrease from about 1879-80 to 1893-94 in the Income Tax Assessments Schedule :—

Monmouth	...	16·2	Devon ...	...	13·9
Denbigh ...	...	14·7	Westmoreland	...	13·8
Radnor ...	...	13·4	Cumberland	...	12·1
Brecon ...	...	12·8	Cornwall	...	6·2
Flint ...	...	11·7	Cheshire	...	6·07
Merioneth	...	8·5			
Montgomery	...	7·7			
Glamorgan	...	6·46			
Pembroke	...	6·3			
Anglesea	...	4·9			
Carnarvon	...	2·07			
Carmarthen	...	1·5			
Cardigan...	...	1·1			

N.B.—It must also be remembered that the Income Tax assessments do not show the amount of abatements as apart from permanent reductions. Thus taking three large estates in the counties of Pembroke, Carmarthen, and Cardigan (embracing 114,400 acres) while the reductions did not exceed 1 per cent., the abatements averaged 10 per cent. during the years 1885-92. (Qu. 48,422.) Cardigan has an exceptional number of small owners who have purchased their farms as above mentioned.

The difficulty of leases with falling prices.

These considerations lead to the conclusion that whilst so long as the period of falling prices may continue it is conceivable that Welsh tenants, at the spur of the moment, might grasp at anything which would promise immediate reduction of rent, yet after full consideration they will be hardly likely in the long run to welcome anything which would fix their rent hard and fast for a term of years, or exchange their present year-to-year tenancy for anything in the nature of a statutory lease.

We readily acknowledge the deference paid to many of the foregoing views in the proposals of our colleagues with regard to the establishment in Wales of a statutory tenancy with judicial rents, fixed by a land court.

Proposals of the other Commissioners for judicial fixing of Rents without *free sale*.

The care taken to avoid the evils arising from the capitalisation of the effects of land hunger involved in "free sale" for the benefit of the sitting tenant at the expense of future tenants who, paying the competition value produced by land hunger, would be rack-rented, is in itself of great value.

But after all, the interference with free contract in this matter seems to us almost certain to lead in practice to greater grievances than it cures.

Such an Act would obviously have no binding effect without a prohibition of "contracting out of it," and if there is to be no contracting out of it, if it is to be unlawful by special agreement to let land on special conditions for a special term by a fairly drawn lease embodying the wishes of both parties the tendency must be to create a permanent uniform statutory tenancy of all agricultural land throughout Wales, and to admit of no other.

If the landlord as well as the tenant is to have power to apply for a judicial rent, the natural tendency must be for the landlords to apply to the court in prosperous times in order to fix the rent for the term under favourable circumstances, and for tenants to apply when a bad year induced them to think that a lower rent would be fixed. In other words, the tendency would be to place the rent of the tenants on an estate at the mercy of the accident whether their landlord had dragged them into court after a prosperous harvest, or whether the tenants had dragged their landlords into court in a time of depression.

At the present moment Welsh tenants fight shy of leases, and yet, by Act of Parliament, all the tenants of Wales would be put, by the proposal of our colleagues, under the liability of, against their wishes, being converted into permanent leaseholders, with quinquennial re-adjustment of

rent, and dependent for the amount of their rent, to some extent at least, upon the accident of whether the end of the septennial period might fall in good or bad times. They are to have no power to throw up their holdings except by assignment, even though they find that they are annually losing their capital. If they cannot find anyone to take their farm off their hands, they are to go on losing their capital to the bitter end. And if, on the other hand, the necessity to give up the farm should happen to come in good times, they may not, like an ordinary leaseholder, assign the remainder of the judical term when it has a market value from the relative lowness of the rent. As the only way to prevent the evils of free sale the landlord is to have option to resume the holding and let it to someone else.

Free sale ultimately involved in judicial Rents.

We fully appreciate the intention of our colleagues by these special provisions to prevent the sale of tenant right and the consequent rack-renting of future tenants, inevitably involved in the payment of a competition price for the goodwill of a holding. As we have already said, we take this recognition of the evils involved in "free sale" as the keystone of the position. But it seems to us that the legal provision of a permanent statutory tenure at a judicial rent presumably below the competition rent caused by land hunger would of necessity, and in spite of all provisions to the contrary, create a value which sooner or later would claim recognition as a *market* value. This would almost certainly lead to political agitation in favour of the legal recognition of free sale and the abolition of the option of the landlord, which alone would stand in the way of an outgoing tenant receiving whatever an incoming tenant might be induced by land hunger to offer for the holding.

The experience of Ireland seems to us to show clearly that one step in judicial interference leads to another. The fixing of judicial rents leads logically to free sale, and the only way out of the evils of the dual ownership thus artificially created is, we believe, generally understood to be a scheme of land purchase.

The evils which our colleagues have been at such pains to avoid on the one side and on the other, appear to us to be inherent in the system of permanent statutory tenancy and and judicial rents. And we can hardly believe that, viewed from a broad point of view, this system, with or without free sale, can be accepted as a satisfactory solution of the problem.

Other objections to judicial interference.

There is another objection to a system of statutory tenancy and judicial rents as to which almost unanimous evidence was given to the Commission by the landlords and agents of some of the best managed estates.

It was alleged again and again that State interference would seriously injure the relations between landlord and tenant, and result in the abstention of landlords from the free expenditure on their estates, which has hitherto been usual. We append extracts from the evidence of witnesses —landlords, agents, and tenant farmers—from all parts of the Principality on this subject.*

It may be said, and with more or less truth, that such fears may easily be exaggerated. But if the view already expressed be correct, as we believe it to be, that the fixing of judicial rents would logically and inevitably lead up, sooner or later, to free sale of tenant right, and the consequent double-ownership, then there can hardly be a doubt that such fears would be found to have a solid foundation, and that the thin edge of the wedge would ultimately lead to the introduction into Wales of those strained relations which are such a potent factor of mischief in the Irish problem. Upon this point the weighty words of the Lord Lieutenant of Ireland under the late Administration may be quoted as disinterested and emphatic evidence.†

Nor can we think it would be advantageous to attempt by Act of Parliament to enforce the uniformity of the same statutory tenure throughout all districts of Wales alike. In the populous manufacturing districts, notably throughout large parts of Glamorganshire, even agricultural land becomes more or less, as already pointed out, what is known as "accommodation land," and to enforce upon such land a purely agricultural rent and the same statutory tenancy as upon mountain farms would hardly be likely to promote the prosperity of either landlord or tenant, to say nothing of the general prosperity of the district.

After all, in the absence of a saleable tenant right, rent must in the long run be subject to the laws of supply and demand, and what is really wanted is not to attempt to set aside these laws but to promote more promptness and intelligence in their action on the side of both landlord and tenant.

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* These extracts are not reproduced in this Digest, but an analysis of the witnesses whose statements are quoted is given below.

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† *Daily News*, 27th February, 1896.—On 26th February [1896] Lord Crewe said :—"There were some who would like to see imported into our English land system a fixity of tenure such as that which existed in the country over which he had lately presided as Viceroy. From his point of view he thought that would be a distinct misfortune for English farming. The Irish land system meant a very considerable increase of income to the landlord, because he immediately stopped all expenditure on his estate."

Freedom of Contract —a better remedy if it can be made more real and protected by reasonable conditions

Whilst, therefore, under perfect freedom of contract if such could be attained, no system could lend itself so readily to prompt changes in rent when needful as the year-to-year tenancy, it becomes all the more important to give a careful and unprejudiced consideration to the real hardships (apart from the question of rent) to which the prevalent year-to-year tenancy is subject and which indirectly may affect even the question of rent, by placing the tenant at a disadvantage and preventing *pro tanto* the exercise on his part of real freedom of contract at the moment when it is most required.

It has already been fully admitted that on an estate embracing a large number of tenants the general terms and incidents to the tenancy cannot in each individual case be to any great extent varied to meet particular desires, especially when the tenants are hereditary tenants who have succeeded to their father's tenancy. The necessity for the practical substitution of estate rules and customs for individual contract is perhaps most obvious in the case of a large estate without written agreements. On such an estate there must be uniformity as to most things and where there is a custom like that of South and East Glamorgan, which has grown up round the year to year tenancy from generation to generation, the general view of the tenants themselves seems to be that such a custom on such an estate confers a better security of tenure than agreements which whilst resting nominally on freedom of contract are very likely to be drawn with a more or less bias on the side of the landlord.

The "Custom of Glamorgan" and the Agricultural Holdings' Act aim at securing the tenant from undue loss on termination of tenancy

It is also alleged generally that this custom of South and East Glamorgan is far better than the Agricultural Holdings Act, though itself open to extension or improvement.

Now it is the chief virtue of this custom that, being the result of long local experience, it is adapted to the wants of the districts in a way that no hard and fast schedules in an Act of Parliament for all the varying districts of Great Britain could have been.

Had such a local custom grown up everywhere adapted to the wants of each district, landlords and tenants would have long ago adapted themselves to it, and it would have become an unwritten law, treating everyone alike and rendering unnecessary the cumbrous agreements generally framed from the point of view of the landlord's solicitor, and often containing clauses penal in their character, the only excuse given for which is that some control is needful and that they are not put in force except in extreme cases. The statute law, though often a dead letter to the tenant may, from a legal point of view, over-ride and render nugatory many

antiquated clauses; still it must be owned that their continued insertion sometimes amounts almost to a *reductio ad absurdum* of the pretence of free contract. It is taking advantage of the far too great ignorance of tenants to demand their signature to obviously unjust clauses on the one hand, or to clauses which are contrary to the terms of the Agricultural Holdings Act or the Ground Game Act.

It has been generally admitted by landlords and agents that it would be well that agreements should be made in future to conform strictly to the actual legal position, both as to game and compensation for improvements.

The consent of landlord necessary in some cases but should be implied when a landlord as contributed to an improvement

It is also admitted on all hands that the tenant's security as regards compensation for improvements cannot be made too complete, provided that the landlord is protected against useless or improvident outlay or injury to his land under a mistaken view of what is an improvement.

The greatest difficulty seems to occur in cases where the written consent of the landlord to an improvement is almost necessarily the condition of compensation. Obviously there are cases in which the landlord's consent to the improvement must be required before a claim can be set up by the tenant for compensation in respect of it. But even in these cases there is a point about the landlord's consent which appears to us to be fairly open to amendment. Hitherto the landlandlord's *written* consent has been necessary, and hardship has sometimes arisen for want of it in cases in which it is obvious that a real, though not written, consent has been given. It is suggested that there are cases in which the landlord's consent might well be implied unless there was express agreement or notice in writing to the contrary. When the landlord has contributed to the improvement the consent of the landlord surely ought to be implied. The case of haulage is a common case in point and there may well be cases in which more than haulage has been contributed by a tenant to an improvement to which the landlord has also contributed his part. In such a case it seems to us that the landlord's active contribution to the improvement ought, in the absence of written agreement to the contrary, to be presumptive evidence of consent, and upon the death or change of tenant full compensation in such cases, taking all things into account, ought to be *legally* recognised, as we have been assured it is *practically* on many if not most well-managed estates.

How best to secure in each locality the framing of regulations giving adequate security as regards compensation for improvements, and the fairest general rules as between the

outgoing and the incoming tenant, is a point upon which there have been many suggestions, whether to be best attained by local conferences of landlords and tenants and surveyors, or in any other way, some more full and elastic system to meet the needs of various districts seems to be required, and probably would be welcomed by landlords and tenants generally.

The necessary security of the tenant's capital and of the landlord's land in these respects is hardly an open question, however much difference of opinion there may be as to details. An improved Agricultural Holdings Act, with schedules elastic enough to meet the needs of varying districts, is a *sine quâ non*.

Perfection of Agricultural Holdings' Act a *sine qua non*; but not in itself sufficient.

It must be admitted that the attainment of substantially fair security as regards improvements would go a long way towards lessening the risk of grievances incident to a year-to-year tenancy. It would tend, at any rate, to lessen the acuteness of grievances involved in a forced termination of the tenancy upon no default on the part of the tenant.

The perfection of the provisions of the Agricultural Holdings Act is also of great importance incidentally as helping towards placing the tenant in a position to exercise a practical freedom of contract in the fixing of rent. The tenant would no doubt be relieved from a great disadvantage by the certainty of a perfectly just treatment in case of leaving his farm. He has hitherto been placed at a disadvantage by the knowledge that, under the present law, on leaving his farm much of his capital must be left behind him. He has been unduly handicapped by this knowledge of the loss he will sustain if he does not accede to his landlord's terms as to rent.

We do not disguise from ourselves that however perfectly the tenant may be protected from loss in these respects he is still placed at a great disadvantage by the mere fact of the expense involved in changing from one farm to another and the uncertainty whether he can obtain another farm when required.

And this consideration leads us to suggest an alteration in practice which seems to us to be within the spirit and intention of the law which prescribes a term of notice before the determination of the tenancy.

Notice to quit before re-settlement of rent infringes free contract and the intention of the law.

We refer to the practice, more or less general, of giving notice to quit as the preliminary to a readjustment of rent, whether in an individual case or, as sometimes happens, on a projected re-valuation of a whole estate. In the latter case all the tenants on an estate may receive notice to quit.

The object of this notice is to bring the old tenancy to an end and to place the tenant in the position of having to leave his farm unless during the period of notice he agrees with his landlord as to the rent.

Sometimes on the other hand the tenant gives notice to quit as a means of getting his rent reduced. And in this way a notice to quit becomes the more or less recognised preliminary to an alteration of rent.

In our view, though within the letter of the law and hitherto sanctioned by usage, this is an infringement of its spirit and intention.

The manifest intention of the law in requiring a term of notice as already said is to secure to the tenant time and opportunity to withdraw his capital and to remove into another farm. The extension of the term of notice to a year under the Agricultural Holdings Act is a sufficiently obvious proof of intention of the law to protect the tenant from too sudden a removal from his farm.

But when, the notice to quit having been given, the question of rent is raised or the re-valuation takes place during the period of notice the beneficent intention of the law is evaded. The tenant is called upon to make up his mind whether he will accept the new rent after the term of notice is more or less nearly expired, and if he cannot agree with his landlord he is placed at a disadvantage not contemplated by the law and not within its intention. To put an extreme case the delay in the re-valuation or re-settlement of rent may be so great as practically to leave the tenant quite insufficient time to secure a new farm.

We think that in such a case it would be strictly within the spirit of the present law that the tenant should be allowed to remain on the farm for a full period of notice made to run from the next Lady-day after the date when the result of the re-valuation or the amount of the new rent is made known to him. In other words we think that the preliminary notice to quit should be void and that a new one should be required after the failure in coming to terms has taken place.

Notice to quit, except for breach of conditions, should be subject to legal obligations for the tenants' protection.

We think too, that whenever an old tenancy is terminated and a new one set on foot by means of a notice to quit, the provisions of the Agricultural Holdings Act should be such as to secure a just settlement of the equities of the tenants at that juncture, or that for the purposes of the Act the old tenancy should be held to continue, notwithstanding the notice to quit and the alteration of rent. It seems to us to be obviously just that if the notice to quit is to be regarded

as terminating the old tenancy, the tenant should be compensated for improvements under the Agricultural Holdings Acts before the new tenancy begins, and that this should not be dependent on notices given, but be as much a matter of course as the payment for tillages, &c., by an incoming tenant.

We are also of opinion that whenever a notice to quit is given it should state the reason why it is given, and that whenever the reason is other than a breach of the legal conditions of tenancy, it would be fair that, in recognition of the cost to the tenant of an enforced change of tenancy, a longer notice should be required than in a case where the tenant is in default, or else that in such a case the rent should be made to cease in respect of the last year of the tenancy.

Case of Sale of an Estate. General notice to quit often given so as to give the purchaser a free hand at the tenant's expense.

There are other circumstances to which the foregoing considerations seem to us to apply with still greater force. The evidence brought before the Commission has again and again proved the possibility, and almost the certainty, of hardship arising in the natural course of things, and without any evil intention, in the case of the sale of an estate by the landlord over the heads of his tenants, and that the dread of this is a potent cause of a feeling of uncertainty in the minds of year-to-year tenants.

Here again it seems to have been a frequent and perhaps even a general custom previous to the sale of an estate to give all the tenants formal notice to quit, so as to place the estate, so to speak, "in hand," for the purchaser to deal with at his own discretion. Now, if it be asked why this course is pursued the answer must presumably be to secure a free hand to the purchaser as regards the future rents of the tenants, and further to close the old tenancy, and thus to secure the purchaser from any liability to the tenants for any rights or equities of which notice is not given in the conditions and articles of sale.

Now, when regarded from the side of the tenants, this device of the seller's solicitor seems to be open to question on principle. It surely ought to be the object of the seller, in handing over his tenants to an unknown and untried purchaser, to protect their interests as completely as possible. He should not seek by a legal device to extinguish any equities that may exist, or to deprive his tenants of the advantage which the law intends to secure to them, in requiring the prescribed notice before termination of a year-to-year tenancy. The intention of the prescribed notice as already said is to give the tenant the time and opportunity to come to fresh terms with his landlord, or to make provision for the

safe withdrawal of his capital and his future living, on giving up his farm. But obviously, if the notice be so arranged as to expire near to the time of the sale, with the express purpose that the purchaser may have power to turn out the tenants in case of their disagreeing with his terms without further notice, it must be admitted that the intention of the law is evaded, and that tenants are placed in a corner, that is in a position in which complete freedom of contract cannot be said in any real sense to exist.

Suggested protection of the tenants' freedom of contract in such cases.

It is suggested, therefore, that as far as possible the tenants should be secured by law against the risk of being placed in this position of extremity. And that in this case also it would be strictly within the spirit of existing law that the tenant should be entitled to a fresh period of notice made to run from the next Lady-day after the time when the necessity to make a new contract of tenancy is forced upon him, and when for the first time he is able to ascertain whether it will be needful for him to leave the farm or not.

We are not sure whether the protection of the tenant might not be carried one step further.

On the whole, in a case in which it is necessary to choose between the interests of the selling landlord who naturally desires to obtain the highest price attainable for his property, and the interest of often a considerable number of tenants to whom it is more or less a question financially of life or death, we are disposed to think that the law ought to lean on the side of the weaker party. And we are disposed to suggest that the equity of the case would not be more than reasonably met by the provision that in case of the death of an estate owner, or the sale of an estate, the tenant shall be protected by law in the occupation of his farm at the old rent for say three years from the date of the death or sale, except in case of nonpayment of rent or the infringement of the conditions of the tenancy which, under the circumstances of the case should be stringent enough to protect the landlord from the depreciation or exhaustion of the farm.

We think further that in the case of a sale, any equities that may exist between the selling landlord and the tenants should continue and follow the land in the purchaser's hands notwithstanding the sale, unless a proper written agreement has been previously come to for their settlement. And that it should be required that a statement should be made in the conditions of sale that such a settlement had been made, or the contrary, in order that the purchaser should be put upon his guard in respect to the possible existence of such equities. Looked at from the side of the landlord this might involve

some inconvenience, but we think it more reasonable that the selling landlord should be put to some trouble than that the equities of the tenants should be sacrificed or unduly endangered.

The same protection required when tenants are purchasers.

Some protection of this kind to the tenant appears to be quite as necessary when the tenant himself has the opportunity of purchasing his farm at a sale by auction. It is becoming more and more usual to put up a landed estate for sale by auction in lots representing the separate farms, and the tenant in such a case is exposed to the competition of his fellow-tenants as well as outsiders.

The landlord in such a case capitalises the increased value resulting from land hunger. The tenant is suddenly exposed to the risk of losing his farm or having to purchase it at an exorbitant competition price. And regarded from a public point of view the result is the sudden creation of a local system of land purchase converting year-to-year farmers under moderate rents into owners mortgaged up to the hilt, and paying for ever after, in interest on the excessive purchase money, what is practically a competition rent.

Now, if this were the result of free contact, and men were foolish enough to pay too high a price for the land, the sooner land hunger was cured by the example of the speedy ruin of ill-advised purchasers the better.

But the case of the farmer is not of this kind. He is suddenly forced, by no fault of his own, to choose between the horns of a dilemma—between at once losing the farm which he looks to for his living and in which he has invested his farming capital, or purchasing his farm at an excessive value.

Loans of public money to purchasing-tenants would increase competition,

The loan of public money in such cases at low rates of interest has been urged again and again on the Commission as at least an alleviation of the hardship. But it is difficult to see how this could be arranged without adding fuel to the fire of competition. A still higher price at a lower rate of interest would mean increased mischief rather than relief.

The purchasing tenant-farmer is not the only person with regard to whom the loan of state funds is demanded.

A wisely arranged system of loans on landed security to farmers who have already purchased or desire to purchase their farms might well form a part of a general national system, if such were desired, to promote on public grounds the gradual transformation of labourers and small tenant farmers into owners of their cottages or farms, but such a system could hardly be arranged on the basis of exaggerated competition prices without due regard to intrinsic value.

Loans of this character would by no means avoid, or even much alter the problem how to secure to the year-to-year tenant adequate protection or compensation for loss in the case of the forced determination of his tenancy without any default of his own.

The knowledge that he could not be disturbed for a definite period of, say three years, would strengthen his position and probably afford him protection in a better form than the loan of public money at a low rate of interest.

There remains the question of the best mode of providing a cheaper and better method of the settlement of disputes between landlords and tenants.

Suggested improvement in the method of settlement of disputes between landlord and tenant.

The more perfect the provisions of the law are made protecting the tenants' interests and carrying out the principles of compensation for improvements the more important becomes the provision of some cheaper and better mode of settling disputes, and of ascertaining the value of improvements than that afforded by the present clauses of the Agricultural Holdings Acts. General complaint has been made on this head, and it is greatly to be desired that some practical means should be found of meeting the difficulty especially in the case of small holdings.

It has been suggested that if in addition to the usual two valuers an official umpire could be provided whose decision should be final, many disputes might be referred to such arbitration and litigation and loss avoided. Whether the county court judge himself, or a skilled official under his supervision, would be able, acting as a judge in chambers, to fulfil this want, or whether an agricultural expert acting under the Board of Agriculture within a certain district, and able first to mediate between the parties and finally to settle a question at issue on the spot, would better meet the cases which arise in connection with small tenancies is a question requiring careful attention when the attempt is made practically to deal with the question. But we wish to record our conviction that whatever mode of settlement may be ultimately adopted it should take the form of mediation or arbitration out of court rather than of public litigation.

We fully admit that, notwithstanding the suggestion we have made aiming at placing the tenants on an estate in a generally better position than now to exercise freedom of contract as regards the amount of their rent, and notwithstanding the suggested perfection of the Agricultural Holdings Act, and the procedure under it, there will remain the possibility of difficulty and hardship in exceptional cases

And for mediation in the case a general dispute between landlord and tenant.

Bound, as we conceive ourselves to be, to approach the subject with a general faith in human nature and the sense of justice common to both landlords and tenants, without which the prospect of any industrial progress must be hopeless indeed, we nevertheless recognise that cases may arise between landlords and tenants, as they do between masters and workmen, in which some outside assistance may fairly be claimed.

We have already mentioned the position of trustees, and even of the Court of Chancery itself, when in the position of landlord or acting for others whose interests they are bound to protect, as one often placing the tenant in a more difficult position than if he were a tenant on the well-managed estate of an ordinary landlord. Nor can we ignore the existence of estates sometimes recently purchased at high prices where the tendency is towards what we may call a merely mercantile view of the relation of landlord and tenant. In these cases the position of tenants in case of exorbitant rents, or the refusal of reductions or abatements, is sometimes peculiarly helpless.

Whilst as a matter of principle we have urged compulsory compensation for improvements under amended clauses of the Agricultural Holdings Act, and suggested longer periods of notice in certain cases, we have stated our objections to the judicial or compulsory fixing of rents. But this in our view affords no reason why in cases of great hardship amounting possibly sometimes almost to public scandal, the State should remain wholly inactive.

We would suggest that if on an estate there should be what may roughly be described as a general dispute between landlords and tenants tending to disturbance, or public scandal or manifest injustice, both the landlord on the one hand, and a certain proportion of the tenants on the other hand, under proper restrictions, and upon engagement to pay a certain maximum fee, should have the right to call in to their aid an expert from the Board of Agriculture, or some other recognised authority, to act as *mediator* with a view, if possible, to bring about a friendly settlement. We would suggest that trustees, &c., acting according to the advice of such an expert should be exonerated from responsibility as regards abatements or reductions of rent.

That in some cases resort to such a mediation would fail in success is obviously possible ; but we believe that even in such cases wise and impartial mediation by a recognised expert could not be without some favourable moral result.

We believe that there is a province within which skilled mediation may play a useful part even where the State is unwilling to enforce a conclusion. The State may rightly refuse to fix the rent as between landlord and tenant, or the rate of wages between masters and workmen, and yet quite consistently with this it may do its best by the mediation of a skilled official or Board of Conciliation to bring the disputants to a friendly settlement.

It is believed that, were the law regarding year-to-year tenancy amended as we have ventured to suggest, a great step would be gained towards the removal of the feeling of insecurity and of other causes of dissatisfaction betweeen landlords and tenants without unduly infringing upon the principle of freedom of contract, and without destroying the great advantages which, on the whole and in spite of defects, the present agricultural system affords to the various classes of the Welsh people whose living is connected with the land."

The amendment proposed would help to remove the feeling of "insecurity."

(*Signed*)

KENYON.

JOHN TALBOT DILLWYN LLEWELYN.

FREDERIC SEEBOHM.

CHAPTER XIV.

THE DEMAND FOR A LAND COURT, AND FOR SEPARATE LEGISLATION.

To the Separate Report, the text of which has now been reproduced in full, there is appended a number of extracts from the evidence containing opinions adverse to the establishment of a Land Court. With reference to these extracts the Minority say :—

"With the view of keeping our conclusions and recommendations in as concise a form as possible we have not interpolated into our report any portion of the evidence tendered to us, but as stated above, we think it well to add in a compressed form the following extracts, so as to show the feeling that prevails with the great majority, if not the entire class, of landlords and agents, concurred in also by a large section of tenant farmers, among whom may be reckoned many of the most enterprising and thoughtful of their class."

Opinions against a Land Court quoted by Minority :

Probably the objects of the Commissioners will equally be served if instead of attempting to summarise these extracts a brief analysis be given of the *personnel* of the witnesses whose opinions they quote. The total number of witnesses thus quoted are 55, of whom five are landowners, eight land agents, and 42 tenant farmers, including in the last mentioned number one witness who was a tenant as to one-fifth only of his farm, and four witnesses who were considerable land agents as well as tenant farmers.

Five landowners.

The landowners whose opinions are quoted are :—

(1) Lord Penrhyn ;

(2) Mr. W. R. M. Wynne, of Peniarth (both Conservatives in politics, in may be observed) ;

(3) Col. Cornwallis West, a Unionist, who was formerly Liberal M.P. for Denbighshire ;

(4) Mr. Edward Davies, of Plas Dinam, another Unionist, and the son of the late David Davies, sometime Liberal M.P. for Cardiganshire ; and

(5) Mr. W. O. Brigstocke, of Park y Gors, the first Chairman of the Carmarthenshire County Council, and a Liberal in politics.

The opinion to which the Commissioners appear to attach the most importance in this group is that of Mr. Edward Davies, two pages of the Report being devoted to his evidence, its chief point perhaps being that with a Land Court, "We are placed at the mercy of the most litigious, incompetent, and unworthy tenant who may come upon the estate at any future time, either to allow him to do as he pleases with our own property, or to drag us into court and incur all the risks and expenses of a lawsuit."

Eight land agents.

The following are the eight agents whose opinions are similarly quoted :—

(1) Col. Hughes, the present chief agent for Sir W. W. Wynn's estates ;

(2) Mr. O. S. Wynne, the former agent for the same property ;

(3) Capt. Preston, of the Baron Hill Estate in Anglesey ;

(4) Mr. T. Halford, of Newtown, Montgomeryshire ;

(5) Mr. Osborne Sheppard, of Neath ;

(6) Mr. J. M. Davies, of Froodvale, Carmarthenshire ;

(7) Mr. T. Rule Owen, of Haverfordwest ;

(8) Mr. C. E. Morgan Richardson, of Cardigan.

Col. Hughes's argument, which is quoted at length by the Commissioners, appears to be based on his belief in "'freedom of contract,' which would be destroyed if an owner of landed property be precluded from letting it, except upon terms prescribed by an Act of Parliament."

Forty-two tenant farmers

If we analyse the 42 tenant farmer witnesses according to their geographical distribution the result is as follows:

Anglesey 3; Carnarvon 6; Merioneth 1; West Denbigh (including the whole of the Vale of Clwyd) 5 ; East Denbigh and Flint 15 ; Montgomery 2. Total for North Wales=32,

South Pembroke 1 ; North Pembroke 1 ; Carmarthen 2 ; Brecknock 2; Glamorgan 3; Monmouth 1. Total South Wales (Radnor and Cardigan being unrepresented)=10.

Or if the distinction be made between Eastern (or border) counties, and Western counties the numbers are Eastern counties 28, Western counties 14.

Something may also be inferred perhaps from another group of facts as to the size of the holdings of these witnesses, and of the estates on which they are situated. The great majority of those quoted appear to be occupying very large farms—some of the largest probably in Wales, and in connection with this fact it may be borne in mind

chiefly large tenants

that competition in Wales is keenest for the small and middle-sized holdings, while owing to the dearth of capital, it is practically non-existent so far as the large farms are concerned. On the other hand, as the Commissioners point out, some of these large holders may be reckoned as "the most enterprising and thoughtful of their class." The more notable names among them are those of Mr. Stratton of Dyffryn, near Newport, Mon., the occupier of 3 holdings measuring about 1,900 acres; Mr. W. S. Miller of Forest Lodge, Brecon, who, besides being an auctioneer and land agent, farms several thousand acres; Mr. D. H. Thomas of Derllys Court, near Carmarthen, also a land agent and auctioneer, farming about 500 acres as tenant; Mr. J. M. Jones of Mathrafal, Montgomeryshire, holding a farm of 295 acres with a sheep run of about 300 acres, belonging to the Earl of Powis; and Mr. William Davies of Llysfasi, who occupies 200 acres of enclosed land in the Vale of Clwyd and a sheepwalk of 300 acres belonging to Col. Cornwallis West.

holding farms on large estates.

But besides being large farmers themselves, most of these witnesses were tenants of large estates. Thus nine of them were tenants of Sir Watkin W. Wynn (seven of whom hailed from the immediate neighbourhood of Wynnstay), while the estates of Lord Kenyon, Lord Penrhyn, Mr. Hughes, of Kinmel, Mr. Davies-Cooke, of Gwysaney, and Col. Hughes, of Ystrad (Sir Watkin's agent), were represented by two tenants each. Among the remainder were representatives from each of the following estates:—Powis, Glynllifon (Lord Newborough), Ruthin Castle, Rhiwlas, Bodorgan, Cefn Mably, and Derllys (Sir James Drummond's).

Eight of the tenant farmer witnesses gave their evidence in Welsh, while the remainder were examined in English.

Four, or possibly five of the tenant farmers quoted, gave evidence in a representative capacity, while all the others expressed their own personal opinions only. Perhaps the most important of the statements made by one of this class against a Land Court was that of Mr. Stratton, of Dyffryn, who stated that the Monmouthshire Chamber of Agriculture had some time previously passed a resolution that anything in the nature of a Land Court was, in their opinion, not desirable, though the County Council of the same county had subsequently passed a contrary resolution. He himself was of opinion "that in Monmouthshire 99 out of every 100 tenant farmers would set their faces dead against anything of the kind."

On the other hand a large amount of evidence was similarly given in favour of the establishment of a Land

Court, but this has not been in the like manner summarised in the Report of the Majority, who state that they did not think it necessary to do so, "having regard to the length of their report." But they make the following statement on the point (p. 924):— Opinions in favour of a Land Court quoted by Majority.

"Not only did the great majority of the tenant-farmers who gave evidence upon the point earnestly advocate the fixing of fair rents by a third party or a judicial tribunal, and the necessity of legislation giving securities of tenure, but many responsible witnesses of a representative character took the same view. For instance, Mr. Thomas Gee was of this opinion.* Now, this gentleman is not only a farmer himself, but is the editor of one of the most widely circulating Welsh newspapers—the newspaper in fact that is especially the farmer's organ—a politician of weight in local and parliamentary affairs, and a man who has been for many years well acquainted with the whole of Wales, and in close touch with the movements of opinion among the Welsh-speaking people. So again Mr. Darbishire, a landowner and farmer, deposed to the necessity of the intervention of a third party.† We might cite the testimony of many other men entitled to speak with authority for the tenant-farming class, but these instances will, in our judgment, suffice. We have no doubt that nearly all the tenants who have applied their minds to the subject would welcome legislation in the direction that we have suggested.

"The matter stands thus: The landlords and the agents (practically without exception), while conceding that rents should be fair, conditions of tenancy reasonable, and compensation upon quitting ample, resolutely oppose the tenants having the right to appeal to any third party or court upon any question. They deny that the tenants, speaking broadly, want any such right. Directly or indirectly, they suggest that there is no Welsh Land Question, that the whole movement was suggested by Irish action, and by the Act of 1881, and fostered by "agitators." The representatives of the tenants deny each of these propositions. We, after considering the evidence, and also the facts that came under our observation, have come to the conclusion that the latter are right.

"It ought to be noticed that while 516 tenants gave evidence before us, the diligence of our colleagues can only discover 37 who, in more or less definite language, disclaimed a desire for a Land Court, or the fixing of a fair rent by a

* Q. 63,995, 63,999. *et seq.* † Q. 12,874, 12,894.

third party. In considering their evidence, the practically complete dependence of a tenant from year to year on the landlord must be borne in mind. On the other hand it may be urged with truth that, even assuming that all the 516 tenants (except the 37 referred to) expressed their desire for a judicial or statutory tenure, they form but a small proportion of the whole tenant farmers of Wales. It may be asked how is it that more of them did not come forward to press the demand? The answer to this is that many of the witnesses were representatives of their districts at meetings of tenant farmers, and the mere reiteration of the same evidence was unnecessary. But the main answer is that rightly or wrongly the tenants believed that their landlords and the agents were opposed to this inquiry, and that it would be imprudent to give evidence before us. . . . . We conclude, without hesitation, that the immense majority of the tenant farmers would welcome the institution of a tribunal to which they could appeal from landlord or agent in case of dispute. It must not be supposed that we think that in every case the tenant would go to the proposed court. It would be a matter for the exercise of his discretion; but the right to do so that we propose to confer upon him would enable him to discuss matters upon an equality with his landlord, and would, as we believe, very generally lead to an agreement on the points in difference."

The claim of Wales to a special Land Bill.

The Majority Report concludes with an eloquent peroration dealing with the special claims of Wales to separate legislation as apart from England (p. 931), as to the necessity of which all the Commissioners are moreover agreed. What is remarkable about this epilogue to the Report is its strong imperialistic tone.

"It is not as 'Little Englanders,'" the Commissioners seem to say "that we have considered the question, but as imperialists and statesmen eagerly desirous to promote the best interests of the Empire at large." They admit the desirability of the same or similar legislation in the domain of private law (*e.g.*, as to marriage, &c.), for England and Wales alike, but they fail to see any tenable objection to a want of uniformity in land legislation, especially considering that the "Courts have always been ready to recognize particular customs in this regard."

But the Welsh are a nation of their own and their special circumstances, as disclosed in the Report, form, it is claimed, a sufficient justification for separate treatment in legislation.

"In advocating their claims to separate legislation, we do so, not as men careless of the interests of, but eagerly desirous to maintain the integrity and power of the Empire at large. Your Majesty's Empire is an aggregate of many peoples, and its strength depends not on uniformity of law, but on the well-being of its members, and especially of those inhabiting Great Britain and Ireland. The halls and farm-houses of Wales have been the nurseries of a race which has at all times borne an honourable share in the formation and defence of this mighty state, and we claim that the legislation we propose, tending as it will *to keep estates and holdings in the same families under improved conditions*, will also tend to perpetuate a gifted, sturdy, and healthy people, and by so doing, assist in maintaining the strength of the British Empire unimpaired, and its glory undiminished."

Keynote of Report.

The words which are here italicised—the italics being our own—may be said without much exaggeration to be the key-note of the whole report.

The principle of the Agricultural Holdings Act is the protection of the interests of the *quitting* tenant—but what the tenants of Wales require, and what the present Act does not provide, is that they should obtain not facilities for quitting their holdings but such conditions as will enable them to continue their occupation.

One obvious way of doing this would be by means of land purchase,—by the giving of advances (such as those given to Irish tenants under the Ashbourne Acts) for the creation of a peasant proprietary, in other words, by buying out the landowners. But the Commissioners, it should be observed, wish to preserve the present system of land ownership, with its large estates, and resident gentry; they desire to keep the "halls" and "the estates in the same families under improved conditions." The splitting-up of large estates is a policy that receives no sort of sanction or support from the Commissioners; not a word is said about any scheme of land registration or the cheapening of the transfer of land, though the expenses of conveyance are referred to (p. 248), and many of the freeholders from the western counties complained bitterly of the heavy fees they had to pay first on the purchase of their farms and then on their mortgage deeds. One of the indirect results of the Finance Act, of 1894, it has frequently been asserted, would be the breaking up of the monopoly of land ownership, and the creation of a much larger number of small owners. Assuming that to be so, the whole tendency of the present Report is in a contrary direction. The Commissioners see no necessity

for the abolition of primogeniture and entail, and they express the belief that the disadvantages of the old system of strict entail have been largely removed by the Settled Land Acts and the Conveyancing Act (p. 245).

The estates should be preserved and their "solidarity as economic units" emphasised and increased. In other words, the estate-owner should exercise his influence to combine the tenantry of the whole estate as partners in the work of co-operative production: for example an estate butter-and-cheese-factory might be established. On the other hand, the tenants might be induced to combine in purchasing their manures and feeding stuffs at wholesale prices, while in the sale of their produce or stock, better prices could be obtained by their dealing as a body with buyers in towns or with the railway companies. In short, an estate could be converted into a kind of large co-operative society.

Tendency of Report towards Collectivism, rather than Individualism.

Where, owing to the scattered position of the holdings belonging to an estate or for other reasons, estates cannot be thus organised, the local authority, *e.g.* the County Council, might be empowered to step in and organise the occupiers, start their factories and exercise a guiding control over their co-operative business. Or—though these instances are not mentioned in the Report—a system of co-operation might be developed on the lines which Mr. Horace Plunkett is following in Ireland, or the English Land Colonisation Society is recommending for small holders in this country. Lord Winchilsea's scheme, to which reference has been made above (p. 360), is also another form of agricultural co-operation that might be adapted to carry out the Commissioners' recommendations.

It is also to be observed that the Commissioners suggest that local authorities should have the control of common land, be empowered to erect labourers' dwellings, and to purchase manorial rights. These and other suggestions indicate that the tendency of the Report is towards *collectivism* rather than individualism—collectivism in the form of co-operation and collectivism in the ownership and control of land by local authorities. The Land Court itself is moreover only another form of this collectivist public control.

But beyond this the Commissioners do not go; as to land nationalisation—the ultimate form of collectivism as to land—the Commissioners have nothing to say, and the term is not even once mentioned among their conclusions and recommendations.

Whether these proposals for co-operative organisation, and for the *quasi*-municipal control, or ownership of labourers' cottages, of common lands and manorial rights generally, would, if adopted, eventually lead to that wider national control over landed property, which is implied by "land nationalisation," is too remote a speculation to be considered here, but it may be borne in mind that the advocates of collectivism, generally regard the organisation of industries, whether by means of co-operative societies, of huge monopolies, or of legislative interference as a necessary step towards that co-operative commonwealth which, for the Socialist, is the ideal State of the future.

SUMMARY OF RECOMMENDATIONS.

"For the convenience of those who may consult this Report" the Commissioners (as a body) give in conclusion (p. 955) a summary of "the principal recommendations as to voluntary, administrative, and legislative action," made in the Report. Where a recommendation has been already given at greater length in an earlier part of this Digest, a reference is added to the page where such fuller treatment is to be found —all the references from here to the end being to the Digest and not to the Report—and, by consulting the Index, other references can also, in many cases, be discovered.

The following is the full text of the "Summary" as given in the Report:—

Agents should be specially-trained experts —and members of an organised "profession."

"I. As to Estate Management, we make the following suggestions, many of which are derived from our observation of the methods in use on the best managed estates.

(1). We recommend that great care should be taken by estate owners in the appointment of agents. In the Welsh-speaking districts we think it essential that the agent should be able to converse with the tenants in Welsh; while in regard to all parts of the principality we think that agents should be men having a practical acquaintance with farming in Wales, and also possessing adequate scientific knowledge of agriculture, land-surveying, and land-valuing. As subsidiary to this recommendation we suggest that those who are now practising as agents either for one estate or generally as land surveyors and valuers, auctioneers, &c., should take steps to organise themselves into a profession, carried on according to rules and understandings similar to those adopted by accountants and the medical and legal professions. With the view to making any organisation of this profession successful, we urge on the University Colleges the creation or continuance of departments specially designed for the training of students fit to become members of such a body.*

* [It may be mentioned that an organisation already exists—namely the Surveyors Institution—"which is *inter alia* specially charged by Royal Charter with the duty of regulating the practice and promoting the technical education and training of the general body of Land Agents throughout the United Kingdom and which imposes as a condition of membership the passing of a very searching examination in all the subjects in which a Land Agent should be professionally informed. Moreover the Institution has," it appears, "special organizations of its Land Agent members in both North and South Wales," through whom candidates are sent up year by year for the Diploma Examination of the Institution. These facts, I should state, have been brought to my notice, subsequent to the issue of the Report, by the Secretary of the Surveyors Institution.—D. Ll. T.]

(2.) We recommend that the estate owners of Wales should conduct the business of the estate through a competent agent, according to general rules recognised as customary upon the estate: That ample authority should be given to every agent to settle all disputes, whether between the estate and the tenant, or between tenants thereupon, or between tenants and other servants and officers (*e.g.*, gamekeepers) in the employment of the landlord. In other words, we desire to emphasize the public character of every considerable estate as an economic unit in the county in which it exists. Every agent ought in our opinion, or every landlord, if he is his own agent, to approach the consideration of every complaint and of every difference from a judicial point of view. His efforts should be directed to avoiding friction, capricious treatment of individual cases, or the creation of a suspicion that those in authority are really influenced by gossip emanating from the subordinate officials of the estate. We think that the greatest care should be taken that no tenant farmer should believe that any landlord or agent will act to his prejudice upon the unsupported testimony of a gamekeeper, a woodman, or servant engaged in some capacity of a similar kind.

Principles of management should be well-known and recognised as customary.

In case, for instance, in regard to game, any complaint is made by a gamekeeper against an individual tenant farmer, we think that the person complained of should be permitted such an opportunity of explaining his own action as will entirely remove ground for belief in the neighbourhood that he has been unfairly treated, or that the gamekeeper in question is a person whose word is believed in preference to that of a tenant of the estate.

(3.) In reference to the general economic management of an estate, we think that the influence of the landlord should be exerted towards emphasizing its solidarity as an economic unit upon which a particular industry is carried on. The general character of the land, the peculiarities of the holdings, and their capacity for development in this or that direction, ought to be ever present to the minds of the agent and the landlord. The estate office should be looked upon as the centre of a business organisation. The conditions upon which the different departments of agriculture can be carried on with a view to profit should be rightly apprehended, and every effort made by individual tenant farmers in an original direction should be considered and possibly encouraged. Where practicable, co-operation and combination between the farmers of the estate should be aided; and the agent, as part of his duty, should endeavour to promote

Estate should form the basis for co-operation in production and distribution.

such collective action, both in regard to production and in regard to distribution, as is likely to create a better profit for the tenant farmer. [pp. 361-2.]

(4.) We think that, assuming that the existing conditions remain much the same, the landlords' expenditure should in most districts be directed to the better equipment of the holdings, not for arable farming, but for stock and sheep farming, dairy farming, butter and cheese making, the poultry and egg business, and market gardening. And, as a corollary to this recommendation, we think that the formation of small holdings suitable for the kinds of farming to which we have just alluded should be encouraged.

Freedom of cultivation and free sale of produce, subject to reservations.

(5.) Assuming that the proposals made below [p. 467] for the virtual substitution of a statutory tenancy for that voluntary tenancy entered into between landlord and tenant are not adopted, but that the existing system remains, the agreements on the different estates should conform strictly to the law, especially the Ground Game Act, 1880, and the Agricultural Holdings Act, 1883, or any amended Act that may take its place. As to the substance of the agreements, we think that all restrictive and penal clauses should, so far as possible, be cut out; and, basing our argument upon the principle so carefully laid down in the Separate Report [p. 423], that upon the whole we must have confidence in human nature, we think that each tenant ought to be allowed to carry on his business in such a manner as his skill and knowledge suggests, provided always that the landlords' interests are properly safeguarded. For instance, as to the sale of produce (*e.g.*, hay and straw) off a particular farm, we think that no practical advantage is attained by the existing restrictive conditions, and that the demand persistently made by tenant farmers that they should be allowed to sell such produce in accordance with their discretion at the moment is well founded, provided always that manure of adequate value is returned to the land. [p. 178.] Furthermore, we recommend that in all cases written agreements should be introduced, and that in the case of Welsh tenants a Welsh translation should be handed to them [p. 121].

Non-interference with politics or religion.

(6.) *Lastly*, we earnestly recommend that questions of politics and religion and other topics irrelevant, from an economic point of view, should be rigidly excluded from consideration in the management of estates. We think that no owner or agent ought to interfere directly or indirectly with the exercise of that discretion in regard to religious belief and observance and, in regard to voting at elections for Parliamentary or local purposes which the law allows to

every registered elector. We regard it as very important that the landlord should be known, whatever his politics, to set an example of loyal support of the law.

The need of Agricultural Education.

II.—As to FARMING generally, we desire to impress on all classes concerned in agriculture in Wales the necessity of carrying on the business on modern economic principles, and of recognising that farming is an art demanding, if carried on for profit, the adoption of every method that tends to improve the quantity and quality of produce and to diminish the cost of production. With this object in view we recommend—

(1.) The extension of facilities for agricultural education.

Distribution of farming intelligence.

(2.) The diffusion, under the direction of the Board of Agriculture, of intelligence useful for farmers :

(*a*) By the distribution of literature on agricultural topics;

(*b*) By the exhibition at the village post offices or telegraph stations of the weather forecasts issued by the Meteorological Office ; and

(*c*) By the distribution of periodical information as to the prices of agricultural produce.

Co-operation,

(3). The introduction and creation of associations for co-operation similar to those that exist in some of the countries on the Continent of Europe. In regard to butter and cheese making, we think that co-operation in production would have a distinctly profitable effect, and that the institution (under the auspices of the Board of Agriculture, of local authorities, or of landlords themselves) of butter and cheese making factories would give a beneficial stimulus to farming. We do not think that it would be expedient on our part to develop any plan for such factories in detail, but we desire to point out that, quite apart from the action of the central or local government, if our idea of the solidarity of the estate is adopted, we think that some of the owners in Wales at any rate would find it advantageous to themselves to contribute to the formation of such institutions. In regard to co-operation in distribution, we think that syndicates or associations might well be formed in regard to stock and sheep farming, with the view to the supply of the great towns with meat, and similarly, also, in regard to the dairy business proper, the supply of eggs, poultry, and so forth.

And intensive farming.

A closer study of markets.

(4.) We think that more attention ought to be paid by farmers generally to those departments of their art in which competition is most easily combated. We have pointed out that the farmers of Wales as a whole adopt a merely traditional method, and from year to year hardly vary their

system. Greater flexibility ought to be introduced into the methods, and, above all, everyone should recognise that the best chance of a profit is to be found in supplying to the great towns and populous places of Wales and of England those articles in regard to which producers in foreign countries are naturally placed in a less advantageous situation for the competition of the market [pp. 359-368].

Taxation.

III. As to Burthens on Land, due to rating by local authorities, and to Imperial taxation—we recommend that the whole question of local as opposed to Imperial taxation, and the question of the taxation of personalty as compared with that of realty, should be inquired into by a properly constituted Commission (*see* pp. 194-7).

Railway Rates.

As to Railway Rates—we do not recommend any special action, because we regard the recent legislation on this matter as tentative, and to some extent experimental. We are pleased, however, to find that the leading railway companies are recognising the fact of the present depression in agriculture, and are endeavouring to meet it by lowering their charges; and we trust that after the necessary experience of the working of the recent Acts they will see their way to give further facilities in rural districts as well as lower rates on agricultural produce generally. (p. 363.)

Agricultural Holdings Act, —Amendment of.

IV. As to the amendment of the Law of Landlord and Tenant, our recommendations fall into two classes:—*first*, those directed to an amendment of the law regulating the rights of landlord and tenant at the dissolution of a tenancy of agricultural land; *secondly*, recommendations for the regulation of the agricultural industry during an existing tenancy. In regard to the former, we have, though not entirely by the same reasoning or from the same standpoint, arrived at a substantial agreement. We are all agreed that an amendment of the Agricultural Holdings Act, 1883, is desirable and even necessary, and that, without going so far as to recommend the complete statutory regulation of agricultural tenancies, some extension of the Act of 1883 is imperative [pp. 384-9; 440-4].

The principal Amendments that we recommend are these:—

Notice of claim under Act not to be an indispensable condition.

(1.) We think that the requirement of a notice by the tenant, in writing, of his intention to make a claim under the Act, as a condition precedent to his right to compensation, ought to be done away with; and, on the other hand, we think that the requirement of a similar notice by the landlord of his intention to counter-claim under the Act should be dispensed with. If this course is not taken, we

think that the county court or other tribunal which has to adjust the rights of parties, ought to have power to relieve against omission either by landlord or by tenant to give the notice required by section 7, uponsuch terms as might appear just. So also, if the notice by the tenant is insisted upon as a condition precedent to the right to claim compensation, we think that such provision ought to be made in regard to the determination of the tenancy by the forfeiture clauses of an agreement as would prevent the loss of all right to compensation by causes over which the tenant has only a very indirect control.

Procedure should be simplified,

(2.) As to the machinery of the Act we think that it is unduly dilatory, expensive, and complicated. We think that it would be advisable to leave disputes under the Act to be dealt with either under the Arbitration Act, 1889, or simply by the county court according to its ordinary procedure, subject to the making of any such rules by the Committee of County Court Judges as might be necessary in this particular class of disputes.

and discretion allowed to umpire or judge.

(3.) We think that the clauses in regard to substituted compensation require amendment and simplification. In our view any amendment with this object should be in the direction of leaving a large discretion to the arbitrator or tribunal which has ultimately to decide the question [p. 387].

(4.) With regard to sections 6, 7, and 59, which contain regulations as to the mode of ascertaining the amount of compensation, we think amendment is necessary.

Amendment of schedules,

(5.) As to the schedule we think that there is no objection to its general form, but that items 3, the laying down of permanent pasture; 6, so far as it relates to the enlarging of gardens; 7, so far as it relates to the improving of roads or bridges; 8, the making or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water power, or for the supply of water for agricultural or domestic purposes, ought to be removed from Part 1 to Part 2 of the schedule. Next as to Part 3 we recommend that item 23, consumption on the holding by cattle, sheep, or pigs of cake or other food stuff not produced on the holding, might be amended by adding the words, "horses exclusively engaged or kept on the holding"; and also that the following items ought to be added to Part 3 of the schedule; namely,

(*a.*) Consumption on the holding, of corn grown thereon by horses (exclusively engaged or kept on the holding), cattle, sheep, or pigs;

(*b.*) Continuous good farming and cultivation or good husbandry in excess of the standard of cultivation, or good husbandry which the tenant was bound to maintain;

and addition thereto.

(*c.*) Any other improvement increasing the value of the holding as an agricultural holding, and

(*d.*) Haulage done by the tenant at the landlord's request in the course of making improvements in the holding.

AGRICULTURAL HOLDINGS ACT. —EXTENSION OF.

The above recommendations, unanimously made, are matters which, without any EXTENSION of the principle of the Act of 1883, expediency and justice alike require. Apart from the recommendations which the majority of us make below, we think that the equities of the situation as between landlord and tenant require a modification of the existing law in accordance with the principle of the Act of 1883 and in the directions set forth in the separate report.

So far, *quitting* tenant alone protected.

We are impressed with the fact that the Act of 1883, dealing as it does only with the rights of the parties if and when the tenant leaves the holding, leaves untouched a possible grievance. Notices to quit on the side of the landlord are frequently given, not with the view to the determination of the tenancy, but to an alteration of its terms, so far as rent is concerned, when, upon succession or otherwise a revaluation of the whole estate is made or else as a preliminary to the sale of the estate as a whole, or in lots. In practice when, under either of these circumstances, a revaluation is made, the new rental is assessed upon the improved value of the holding, *id est*, its actual or apparent value at the time of the valuation, we think that in adjusting the relations of landlord and tenant under these circumstances, if, on the revaluation, the rent is assessed upon the improved value of the holding, it is clear that the tenant, if he is to have the advantage of the principle of the Act of 1883 (*id est*, the return of the capital that he has placed in the land so far as it is then unexhausted), ought to receive at the commencement of what is virtually a new tenancy such compensation in money as he would receive if he were leaving the farm, or else an adequate allowance should be made in respect of the value of his unexhausted improvements in the final assessment of the new rent.

But Act should also protect *sitting* tenant, on re-settlement of terms of tenancy,

And variation rent.

We accordingly suggest that proper sections should be introduced into an amended Agricultural Holdings Act appropriate for carrying out this principle.

Furthermore, struck as we are with the injustice which often occurs upon the sale of an estate (a matter wholly outside the control of the sitting tenant) or in the case of the

death of an owner and succession of his heir or devisee by the raising of the rent, and by the ignoring on the part of a new owner or a new agent of promises and understandings impliedly come to under the old *régime;* we recognise that the equity of the case is not reasonably met under the existing law. We think that in these special cases the tenant ought to be protected by law in the occupation of his farm at the old rent for a longer term than one year, and we suggest three years from the date of the death or sale, except in cases in which the tenant does not pay the rent or infringes the conditions of the tenancy, which under the circumstances should be stringent enough to protect the landlord from depreciation or exhaustion of the farm.

On sale of property, or death of owner, tenant should be secured in the holding for 3 years.

Lastly, we recommend that where a tenant is capriciously evicted, that is to say, receives notice to quit for inadequate reasons, or for any cause other than the following :—(1) That he has not paid the rent due in accordance with the contract of tenancy; (2), that he has persisted in committing or permitting waste after notice has been given by the landlord to him not to commit or permit such waste, or that he has committed such a breach of any condition of the tenancy as materially affects the value of the holding to the prejudice of the landlord—the tenant ought to be permitted to claim in addition to the compensation due under the regulations of the Act of 1883, or any amended Act, some compensation for disturbance [pp. 308; 441].

Tenant to have compensation for disturbance if evicted without adequate reason.

We have no right to pronounce on the question whether such an amendment of the Agricultural Holdings Act, 1883, and of the law of landlord and tenant as to agricultural holdings, is required for England as well as Wales; but without prejudice to this question we think that the circumstances disclosed in regard to Wales by our inquiry urgently call for legislation such as we have above sketched, and that it would be expedient to deal with the case of Wales in a separate Bill for this purpose, however desirable it be, as a general rule, to avoid separate or particular legislation.

Need of special Bill for Wales embodying these amendments.

V. As to the Game Laws—we recommend that the statutes dealing with offences connected with game should be simplified and codified. We do not recommend the extension of the principle of the Ground Game Act, 1880, to winged game [*See* pp. 187-191].

No alteration as to game.

VI.—As to Distress,—according to our view of the evidence, the balance of advantage to the agricultural community is in favour of the landlords retaining the limited power of distress for rent which they at present possess. [*See* p. 192].

Distress retained.

State loans for mortgaged freeholders.

VII.—As to Occupying Freeholders,—we recommend that State loans, subject to a low rate of interest, be granted to a limited class of occupying freeholders,—*id est*, freeholders farming their own land, who have purchased their own holdings since 1868 and borrowed on the security of the holdings—with a view to their paying off existing mortgages in respect of which a high rate of interest is paid.

We, however, feel that it is very difficult to confine the suggested relief within the desired limits, and we support the scheme only on condition that the proposed operations may be effected without loss to the Treasury. We further feel that the scheme is only justified by the special circumstances disclosed in our Report.—[p. 333.]

Cottage accommodation for labourers should be improved.

VIII.—As to Cottagers and Labourers,— we are much impressed with the fact that where farm labourers live in cottages on or near the farm where they work, it is desirable that they should have a small holding of land, with a view of rendering them more satisfied with the conditions under which they live, and we recommend that the Allotments Acts, 1887, 1889, and the Small Holdings Act, 1892, should be put into operation more freely than hitherto, and we also advise the extension of the provisions of the Housing of the Working Classes Act, 1890, to rural districts, with such amendments as may be necessary to adapt them to the requirements of country places. We also make certain recommendations with the view of the better enforcement of sanitary laws.—[*See* pp. 339—340.]

Regulation of Commons by local authorities.

IX.—As to Commons,—we think that powers for the making of bye-laws for the regulation of the use of commons by the commoners should be conferred on County Councils and District Councils, and also that enlarged powers should be given to the public for the use of commons for the purposes of health and recreation, subject to proper bye-laws or rules to be made by those authorities, care being taken not unduly to interfere with the enjoyment of their rights by lords of the manors or commoners, or for the payment of adequate compensation where there is any substantial interference with the profitable exercise of such rights.

And we also think that power ought to be given to local authorities (County Councils and District Councils) to purchase on fair terms the rights of the lord of a manor, by agreement, in accordance with the Lands Clauses Consolidation Act, 1845, or some similar provision.—[*See* p. 327.]

Inquiry as to Crown lands in Wales,

X.—As to Crown Lands,—we recommend that a commission, the members of which should have individually and collectively the powers of Judges of the High Court of

Justice should be appointed to survey the Crown lands in Wales, and to make a proper Extent of the rents, dues, &c., payable from land in Wales to the Crown. [*See* p. 317.]

And as to the operation of the Witnesses Protection Act.

XI.—As to the Witnesses Protection Act, 1892,—we recommend, in view of the complaints made by persons to us that they have been damnified by having given evidence before this Commission, to the difficulty in which we have been placed from time to time in dealing with these complaints, and the action of the Public Prosecutor disclosed above, that a public enquiry should be made into the operation of the Act, and as to the desirability of amending it, and in this connection we express an earnest hope that landlords and agents will not allow themselves to be influenced in their dealings with any tenant by the fact that he has given evidence before this Commission.—(*See* p. 20.)

Translation into Welsh of parts of Report.

The carrying out of the plan of this Report, which we explained in the introduction, necessarily involved the making of a report of considerable size. The extent which it has necessarily reached is such that we recognise that it would be hardly expedient in the public interest to cause the whole of it to be translated into Welsh and published officially in that language. At the same time we think it very desirable that Welsh tenant farmers should be acquainted with many portions of the Report, and we feel that unless such portions are translated into Welsh, there will be great difficulty in making them cognisant of our views and recommendations. We therefore think that it would be expedient for the Treasury to undertake officially the translation and publication of parts of this Report, and we humbly suggest that the determination of the parts which it is most desirable to translate into Welsh should be left to a committee of our own body acting in conjunction with the Lords Commissioners of Your Majesty's Treasury.

(*Signed*) Carrington.
Kenyon.
John Talbot Dillwyn Llewellyn.
David Brynmor Jones.
John Rhys.
John Morgan Griffiths.
Edwin Grove.
Richard Jones.
Frederic Seebohm.

Daniel Lleufer Thomas
Cecil Edgar Owen, } *Secretaries.*

August 26*th*, 1896.

WELSH HOUSING & DEVELOPMENT ASSOCIATION.

(Incorporating The Welsh Housing Association and The South Wales Garden Cities and Town Planning Association).

NON-COMMERCIAL UNSECTARIAN NON-PARTISAN

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Deputy Presidents—THE RT. HON. LADY BOSTON.

THE RT. HON. LORD ABERDARE.

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OBJECTS.

The objects of the Association are to collect and disseminate information, to educate public opinion, to assist on non-party lines in influencing promoting and improving legislation, and to take other private or public action in regard to the following matters.

(*a*) The development of towns, villages and suburbs on Garden City lines.

(*b*) Town, village, and regional planning; the promotion of civic surveys; the amendment of street and building bye-laws and estate regulations; and the provision of improved marketing facilities and means of communication.

(*c*) Civic design and the practice of the arts and sciences as applied thereto.

(*d*) The provision of houses, small holdings and allotments by local authorities, public utility and co-operative societies, and other approved agencies.

(*e*) The improvement of housing and hygienic conditions generally, including the better ventilation of all public buildings, and the increased provision of health and recreational facilities.

(*f*) The promotion of village institutes, halls, museums and libraries.

(*g*) The preservation of footpaths and commons, and, as far as possible, scenery and objects of historical interest; the regulation of public advertising; the provision of public view points and outlook 'rests'; the securing, wherever practicable, of access to mountains and river banks; the prevention of river pollution; and the abatement of all avoidable industrial nuisances arising from smoke, dust, and noxious effluents.

(*h*) The utilisation wherever possible of local materials in building construction, and the encouragement of local craftsmanship.

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(*i*) The advocacy of affo ...lar public improvement ...lsh industries, including ...the soil, and the improv ...and estuaries of Wales.

(*j*) The betterment of the conditions of rural labour.

(*k*) The improvement of rural education by securing due regard for the needs and ideals of country life and the establishment thereby of a strong enduring type of rural civilisation in harmony with the best social traditions of Wales.

ORGANISATION.

The Association consists of a North Wales Branch and a South Wales Branch. Each Branch has its own Council, elected by the members resident in its area, and a Central Council is elected jointly by the two Branch Councils. The Central Council, in turn, elects an Executive Committee to deal with matters of detail.

MEMBERSHIP.

Membership of the Association is open to all persons paying a minimum Annual Subscription of 2/6. Societies and Local Authorities may affiliate upon payment of a minimum Annual Fee of 10/6. Any Society or Local Authority subscribing two guineas or more may appoint a representative on the Branch Council of the area in which it is situated.

Societies and Members subscribing not less than 7/6 per annum are entitled to receive copies of the Association's publications.

METHODS.

In order to attain its objects the Association adopts a variety of methods, of which the following are amongst the more important :—

1. Investigations into housing conditions in different areas and the preparation of reports upon suitable methods of reform.

2. The publication of literature dealing with various phases of Housing, Town-Planning, the Garden City Movement, Rural Development, etc.

3. The dissemination of information regarding social conditions, the Public Health and Housing Acts and their administration, revision of street and building bye-laws, formation of housing societies, pit-head baths, rural organisation and kindred matters. An Information Bureau has been established at the Association's office, and enquiries will be welcomed.

4. The arrangement of conferences and lectures and the provision of competent speakers.

5. Deputations to Local Authorities and Government Departments.

6. Interviews with landowners, architects, builders, and others, for the purpose of urging the adoption of improved methods of estate development, etc.

7. The publication in the newspaper press of informative letters and articles upon new housing developments, methods of reform, etc.